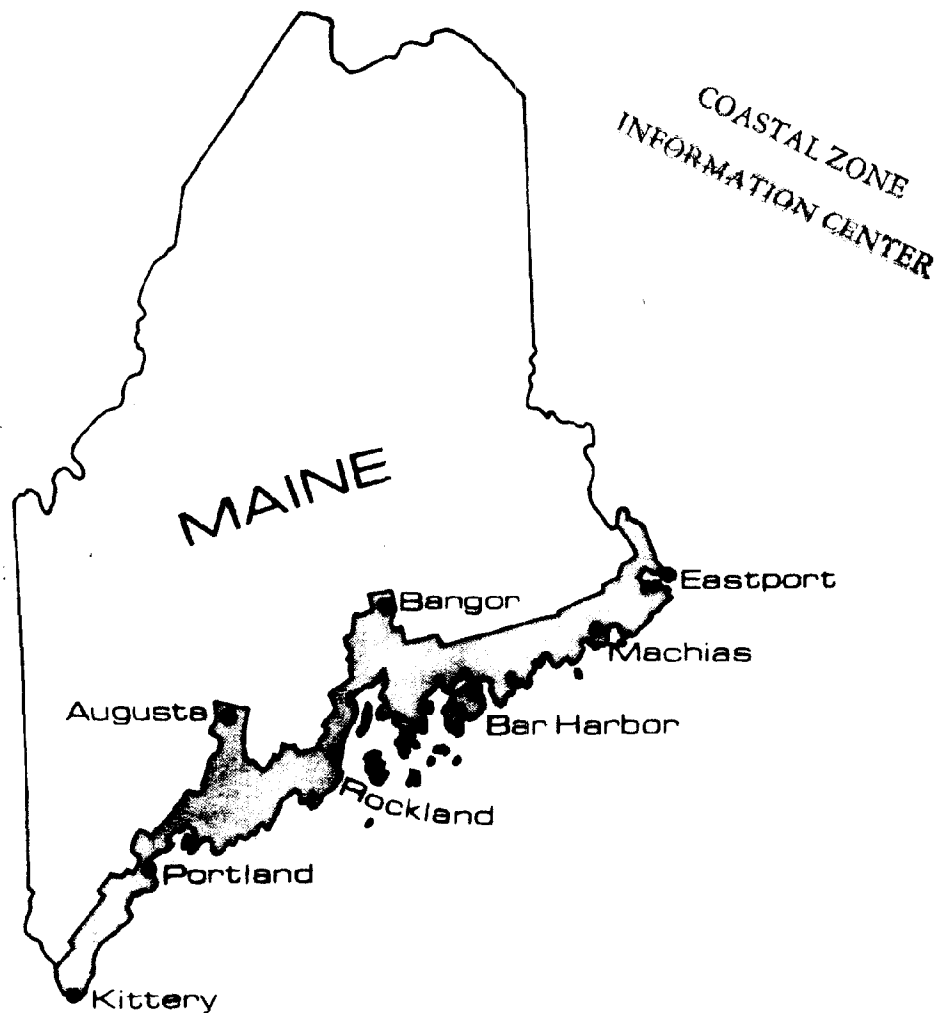


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# Maine's Coastal Program

PROGRESS REPORT JANUARY 1, 1983 - NOVEMBER, 1983

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Maine State Planning Office

MAINE STATE PLANNING OFFICE

Progress Report

January 1, 1983 - November 30, 1983

Submitted to

the National Oceanic & Atmospheric Administration  
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## SECTION I

### 1. Special Projects

#### Task 1 DEP Enforcement and Licensing Staff

Maine's Coastal Program continues its active support of the Department of Environmental Protection. The DEP is a key state agency responsible for administering six of the Program's eleven core laws. The DEP's activities in the coastal area are reported in Sections 2, 8 and 12 of this report.

6 Program funds currently supported six staff positions and partially supported a seventh position within the Land Bureau at DEP. It is significant to note that the Department requested and received from the Maine Legislature state funds to support six positions supported with coastal funds. This makes a total of nine new positions at the DEP which were originally supported with coastal funds that are now on permanent state funding.

1  
2x  
Enforcement and Field Services Division - One position in Portland was supported as of March 1982. This region is experiencing the greatest development pressures and contains most of the significant sandy beaches along Maine's coast. One new position in Augusta was created and supported in June, 1982 to monitor the Shoreland Zoning Law which is administered by coastal communities. One full time position in Augusta provided technical assistance to coastal towns on waste disposal problems.

2  
1  
Licensing and Revision Division (Augusta) - Since June, 1982 two new project review positions were supported. This additional staffing allowed the Department to 1) keep abreast of the permit processing workload and 2) work on refining and streamlining permitting procedures. One new clerical position was supported as of August, 1982.

0/0  
2  
Public Assistance Division (Augusta) - A portion of one staff position in this Division was supported with coastal funds. This staff person coordinated all Federal Consistency matters concerning core laws administered by the Department. Federal consistency activities are listed in Section 12.

In August 1982, the Department underwent an internal reorganization which resulted in the creation of a new Division of Public Assistance. This Division is closely allied with the Commissioner of the Department. A major purpose for the Division is to facilitate and coordinate the range of public and technical services provided by the Department.

## Task 2 Shoreland Zoning Technical Assistance

The SPO and DEP developed a Shoreland Zoning Monitoring Program and began implementing it in June, 1982. An additional staff position was added to the Enforcement and Field Services Division of the DEP to coordinate the DEP shoreland zoning monitoring and technical assistance activities.

Major objectives of this monitoring program are to:

- Products?*
- a) monitor municipal administration of shoreland zoning in at least 20 municipalities;
  - b) respond to citizen complaints of shoreland zoning violations and undertake activities needed to resolve these complaints; and
  - c) assist municipalities in improving the local administration and enforcement of their ordinance.

Enforcement and Field Services Division staff in each of the three regional offices selected towns to monitor on a priority basis. Needed improvements in local administration and/or enforcement were identified, and recommendations for improvement were developed in coordination with the SPO.

## Task 3 Access and Enforcement Assistance

The emphasis of this project for 1982-83 was on an educating local officials, especially members of planning boards, on the enforcement of local land use laws. The workshops and printing of related materials were completed in 1982, and were reported in the Progress Report covering the April to December, 1982 period.

*What does the specific issues*

The legal staff of the Maine Municipal Association has continued to provide advisory services to coastal area communities on questions concerning public access and enforcement of the core laws at the local level. The MMA legal staff has responded to requests for advisory services from approximately 18 communities during the report period.

## Task 4 Natural Areas Identification

During this report period the Critical Areas Program continued its inventory and designation of critical areas on a wide variety of subjects. Most of the effort was devoted to rare plants, old-growth forests and river conservation. Much of the work on rare plants was concentrated on the nationally endangered species, the Furbish Lousewort.

Planning reports were prepared and printed on 1) Seven Species of Unusual Sub-Arctic Coastal Plants, 2) Furbish Lousewort, 3) Jack Pine and 4) Natural Old-Growth Forests.



## Fundy Tidal Power Project

As reported earlier the State Planning Office, using a CEIP grant, entered into a contract with the Bigelow Laboratory for Ocean Sciences to analyze the probable environmental impacts of the proposed Canadian tidal power facility on the Maine coast. The proposed project, a 4500 mw, \$22 billion project, would affect tide levels throughout the Gulf of Maine because of its impact on tidal resonance in the Bay of Fundy. According to computer models prepared by the Canadians, the project would increase the normal tidal range by 12". Bigelow's charge was to examine the effects of the 12" range change and to determine what the most important environmental consequences on Maine's coastal area would be.

On July 25, 1983 Senator Mitchell and the Senate Committee on Environment and Public Works held a public hearing in Augusta to receive testimony on the project. The hearing was extremely productive with more than fifteen key speakers. Each speaker elaborated on a specific aspect of the project and now the Committee has a complete record on the project. (Full transcripts of the hearing are available through the Committee.)

The Bigelow Laboratory report will be completed this fall and should form the basis for future work efforts on the project.

## Water Supply Project

The State Planning Office initiated a policy level examination during the period of the status of water supply in Maine. The project is focusing on two items: 1) water supply and demand issues and 2) the costs of municipal and industrial water supplies. (Although the majority of funding for this project is a water resources grant, some coastal staff are working on it. Secondly, the impact of this issue on the coastal area is unprecedented as development pressures continue to increase in the coastal area.)

1. An assessment of water supply and demand issues facing the State through the year 2000.

While there have been many efforts to address specific water-related problems, there has been no recent comprehensive examination of water supply and demand issues as a whole in the State. This study will provide such an overview so that we may anticipate where to expect the most serious problems and funding needs in the foreseeable future.

Based on a literature search and interviews, the assessment will consider water quality and quantity, supply and demand, as well as management issues. The problems facing rural water utilities are of keen interest. Where possible, the project will characterize problems by region, and will assemble an "agenda" of policy issues, program tasks with costs, and future research and planning needs.



2. An assessment of the true long-run costs of municipal and industrial (M&I) water supplies in Maine.

It is widely held that one of the most pressing problems facing Maine water utilities, both public and privately owned, is their inability, and reluctance, to charge adequate user rates to cover the true cost of operation, maintenance and expansion of their systems. As a result, many distribution systems are deteriorating and others are carrying crippling debt loads.

There are several reasons for the depressed cost of water in Maine. The abundance of the resource, particularly surface waters, and relatively good quality, have held down treatment and distribution costs; and utilities have failed in general to budget for long-term capital improvements. Meanwhile, the public has become accustomed to the low price they have historically paid for the commodity; and the Public Utilities Commission has perpetuated a rate structure that the water utilities believe is preventing them from making the necessary adjustments.

By projecting the true long-term costs of water as a commodity, this study will focus attention on the financial problems utilities face, and, hopefully, encourage public acceptance for restructuring the rate system. The resulting analysis can be used by the PUC, the Legislature, water utilities and others as a basis for redesigning the rate structure. The PUC is up for Sunset Review by the Legislature next year, and our assessment could be of great assistance to them.

The study will discuss the components that should be considered in assessing the cost of water services: source development and protection; storage; conveyance; treatment; conservation; and administration. It will evaluate the relative importance of these components, and discuss whether each is currently being assessed and factored into rates appropriately, and if not, why not. Case studies will be included.

Finally, the study will determine the magnitude of the total infrastructure replacement and expansion funding needs for water utilities in the State, for capital budgeting purposes, and for designing any State loan or grant programs.

#### Task 6     Abatement of Clam Flat Pollution

The Department of Marine Resources completed work on this project with coastal funds in June, 1983. This has been an on-going project since 1981 and the results of their work are noteworthy. Attached to this section is a report prepared by the DMR on this project. The report summarizes the areas examined over the past three years; the abatement achieved and the costs incurred; and a discussion of the accomplishments of the project.

## Department of Marine Resources - Progress Report

### 1. Objectives

In 1974, the Maine Department of Marine Resources in cooperation with the state's Department of Environmental Protection, launched a massive effort to locate and identify sources of pollution affecting soft-shell clam harvesting areas. Under the project, "Survey of Waste Discharges to Shellfish Areas", staff from the Department of Marine Resources research laboratory in Boothbay Harbor surveyed the entire Maine coast, from Kittery to Calais, a distance exceeding 4,000 miles. In 1979, five years after the project commenced, 3,129 discharges were reported of which 31% were discharging into open shellfish producing waters. The presence of these untreated outfalls, particularly in open shellfishing areas, was not only in direct violation of the State's environmental laws, but was also in violation of the standards set forth under the National Shellfish Sanitation Program. Furthermore, these polluted shellfishing areas, estimated to include 12,000 acres, represented 30% of the total clam resource whose harvested value in 1980 was \$8.5 million.

Until 1980, enforcement of residential pollution violations had been seriously lacking. As results of the coastal survey were tabulated, clearly defining the impact of residential discharges on the marine resources, the state's Attorney General's Office agreed to investigate those cases that directly jeopardize a shellfishing resource.

In order to adequately document the effects of a discharge or discharges on both the shellfish and shellfish habitat, a precise monitoring program within productive shellfish producing areas was developed.

### 2. Approach

Unlike a general monitoring program, which requires a broad spectrum of analyses before an area may be considered suitable for shellfish or other resource harvesting, this program was designed to document the effects sewage discharge(s) were having on shellfish growing areas, and to predict the results of changes in water quality, if and when the discharge(s) were treated or removed. There is a series of sequential steps in this process which are discussed below.

#### Initial Site Evaluation

Shoreline Survey Review: Selected areas initially received a comprehensive file search of all available records from both the Department of Marine Resources and the Department of Environmental Protection, Bureau of Water Quality Control. Past sanitary conditions, water quality trends, known or suspected sources of pollution (direct and non-direct) and licensing information assisted in familiarizing field personnel on the history of the area. After the

initial search was performed, a field survey verified the identification of current pollution sources with regards to type, location, method of treatment (if any), duration of use (seasonal-nonseasonal) and property ownership.

Shellfish Assessment: Priority for abatement depended on the areas' current or potential productive capabilities. Shellfish areas where production was limited received a lower priority for abatement than ones that yielded high or potentially high figures. In many of our closed and conditionally closed areas, current data pertaining to production was limited or, in some cases, only estimates have been given. Areas where current data was unavailable required a shellfish population study to justify its priority.

#### Bacteriological Assessment

Station Location: Proper station location is the most important factor in the design of a pollution monitoring program. Sampling stations must be representative of the total area sampled. In establishing their location, several factors were taken into consideration: shellfish beds, sources of pollution and hydrographic factors.

Number of Samples: The number of samples obtained reflects the degree of confidence in assessing the pollution problem. The greater the variability in bacterial results, the greater the number of samples required. Factors, such as rainfall, were also considered in evaluating the number of samples required. Rainfall intensity, duration and the degree of probability of rain were considered in determining the number and frequency of sampling.

Total and Fecal Coliforms: Water and shellfish samples were processed to determine total and fecal coliform counts in accordance with the procedures as outlined under Recommended Procedures for the Examination of Seawater and Shellfish (American Public Health Association, 1970). Results were expressed in the most probable number (MPN) of coliform organisms, total and fecal, per 100 ml of sample. Both the median values for each station and the percentage of samples exceeding 230 coliforms/100 ml were expressed, in order to determine the current status of the growing area.

### 3. Results (1981)

During the contract period in 1981, 13 growing areas were reviewed under the Clam Flat Abatement Program.

<u>Town</u>	<u>Location</u>	<u>Shellfish Area</u>	<u>Reclaimed</u>
York	Cape Neddick River	C- 3	
Wells	Ogunquit River	C- 4	
Wells	Webhannet River	C- 5	Yes
Kennebunk	Mousam River	C- 6	
Kennebunkport	Sampsons Cove	C- 8A	
Harpwell	Basin Cove	C-18	Yes
Harpwell	Ash Point Cove	C-18	Yes
Harpwell	Doughty Cove	C-18A	Yes
Brunswick-West Bath	New Meadows River	C-18B	
Harpwell	Bailey-Orrs Islands	C-18D	
Harpwell	Cundys Harbor	C-18E	
Phippsburg	West Point	C-19B	
Damariscotta	Huston Cove	C-25	Yes

From the above 13 areas, 5 were reclaimed for shellfish harvesting, having an estimated standing crop of 12,907 bushels of soft-shell clams with a wholesale value of \$361,410.00, based on an average of \$28.00/bushel.

Private abatement was established for 4 of the growing areas, while municipal abatement was responsible for cleanup efforts in the Webhannet River.

Sampsons Cove in Kennebunkport is scheduled for municipal abatement in the immediate future. This should provide suitable conditions for open harvesting once abatement is achieved.

(1982)

In 1982, an additional 14 shellfishing areas were prioritized and reviewed for abatement efforts. They are as follows:

<u>Town</u>	<u>Location</u>	<u>Shellfish Area</u>	<u>Reclaimed</u>
Falmouth	Prince Cove	C-15	Yes
Yarmouth-Freeport	Cousins River	C-16	Yes
Yarmouth	Royal River	C-16	Yes
Cushing	Pleasant Point Gut	C-26C	No
So. Thomaston	Seal Harbor	C-28B	Yes
Owls Head	Crockett Cove	C-29A	Yes
Rockport	Clam Cove	C-30	No
Camden	Sherman Cove	C-31	Yes
Belfast	Kelley Cove	C-32	No
Belfast	Patterson Pt.- Moose Pt.	C-32	No
Northport	Saturday Cove	C-32A	No
Lubec	Johnson Bay	C-58C	Yes
Eastport	Carringplace Cove	C-57B	Yes
Milbridge	Stovers Cove	O-82	No
Milbridge	Smith Cove	O-82	No

During the latter part of 1981, DEP introduced a program designed to financially assist small communities in constructing waste discharge systems. It was provided by the 110th Legislature when, "An Act to Enable the State of Maine to fund Waste Water Treatment Systems in the event federal funds are not included or limited in future Federal Budgets" was passed. This legislation accomplished two things: 1. It allowed the DEP to make a state grant without the requirement of an approved federal grant in place. 2. It allowed the DEP to pay up to 90% state funding for small community pollution abatement construction programs that do not exceed \$100,000.00 construction costs per any one project per year, so long as total expenditures for such small projects do not exceed \$1,000,000.00 for each fiscal year, and not more than one grant is made to any applicant each year.

Under this program, shellfish areas in Lubec, Eastport and Milbridge received state monies for abatement. Northport and Belfast are currently being considered to receive state funding to correct their pollution problems within the next year.

The remaining communities, where growing areas were reclassified, received abatement either through private individual treatment systems, or through the extension of an existing municipal treatment plant.

A total of 8 growing areas were reclassified this year having a standing crop of 14,944 bushels of soft-shell clams with an estimated wholesale value of \$418,432.00 based on an average of \$28.00/bushel.

(1983)

The first 6 months of 1983 were spent primarily on reviewing and prioritizing areas for DEP's "Small Community Abatement Program".

The following is a list of towns that have been designated to receive money for abatement this year:

<u>Points</u>	<u>Community</u>	<u>Description and Benefit</u>	<u>Grant \$</u>
31	Northport	Several homes discharge sewage to Saturday Cove, Kelly Cove and Little River. The benefit will be to open these areas to shellfish harvesting.	27,000
31	Lincolnville	Several homes discharge sewage to Frohock Brook and Ducktrap Cove. The benefit will be to open these areas to shellfish harvesting.	27,000
26	Columbia Falls	Several homes discharge raw sewage to the Pleasant River. Elimination of these sources will eliminate a public health nuisance.	45,000

<u>Points</u>	<u>Community</u>	<u>Description and Benefit</u>	<u>Grant \$</u>
26	Stockton Springs	Several homes discharge sewage to brooks in town. The benefit will be to alleviate a public health nuisance.	54,000
37	Friendship	Several homes discharge raw sewage to Friendship Harbor, Delano Cove, and Hatchet Cove. The benefit will be to open these areas to shellfish harvesting.	72,000
37	Steuben	Homes discharge raw sewage in the Pidgeon Hill area. The benefit will be to open a conditional area to year round shellfish harvesting.	10,800
37	Cherryfield	Homes discharge raw and partially treated sewage to the Narraguagus River. Removing these pollution sources will help to open shellfish areas in Milbridge.	90,000
37	Sullivan	Homes discharge raw sewage to Taunton Bay. Elimination of these pollution sources will open this area to shellfish harvesting.	21,600
32	Surry	Several homes discharge raw and partially treated sewage directly to Patten Bay. Correction will eliminate a public health nuisance.	18,000
25	Harpwell	Homes discharge sewage to Doughty Cove. The benefit will be to open the area to shellfish harvesting.	18,000
	Lubec	Expansion of 1981-1982 project to include North Lubec. The benefit will be to open flats in N. Lubec for shellfish harvesting.	60,000
	Milbridge	Sewage discharging into Narraguagus River. Reduction of current shellfish closure.	90,000
	West Sullivan	Sewage discharging into Sullivan Harbor. Reduction of current shellfish closure.	undetermined
	Addison	Sewage discharging into Pleasant River. Reduction of current shellfish closure.	undetermined

#### 4. Summary of Results

During the contract period between September 1, 1981 and June 30, 1983, 28 shellfishing areas were reviewed and monitored as outlined under the "Clam Flat Pollution Abatement Program".

Extensive investigation as to the pollution problems, water quality trends, shellfish production and value were performed.

As a result, the Department of Environmental Protection has found this information to be essential in establishing residential pollution abatement. Due to the legal implications as enforcement measures were taken, it was necessary that such current information be made available to those agencies involved.

The Department of Marine Resources, Division of Industrial Services, has gained additional information on shellfish abundance, pollution levels within their growing areas, adequacies and in some cases, deficiencies in their shellfish boundary lines and in many cases were able to reclaim valuable shellfishing grounds.

Since the continuation of the "Clam Flat Pollution Abatement Program" under CZM fundings, 13 growing areas have been reclassified.

The combined wholesale value of these growing areas were estimated to be \$779,842.00, having a standing crop in excess of 27,851 bushels.

Should this trend continue, approximately one out of every two areas selected for DMR-DEP's abatement program will be reclassified for shellfish harvesting.

#### 5. Cost-Benefit

The benefit received vs the cost of abatement is difficult to determine due to the number of variables involved.

In general, municipal treatment is very costly and in most cases, will far exceed the value of the resource.

The cost of private abatement, however, can be significantly more proportional to the value of resource reclaimed.

For example, one of the study areas in Harpswell was estimated to have a shellfishing resource valued at \$37,159.00. The total cost of abatement required to reclassify the area was \$1,000.00. It should be further understood that estimates on the wholesale value of a shellfish are significantly less than the actual value of the shellfish once they reach the consumer.

Market value of soft-shell clams, depending upon such factors as

use, season, supply and demand, can exceed the wholesale value by as many as 6 times, though 3 times would be the average.

In comparing the various costs vs. benefit within the areas reviewed, the following table may be of use:

<u>Year</u>	<u>Estimated Wholesale Value of Shellfish Areas Reclaimed \$</u>	<u>Estimated Abatement Costs State and Local</u>	<u>Project Cost (CZM) \$</u>
1981	361,410	11,500	\$15,000
1982	418,432	282,000	\$20,432
1983	undetermined	443,400	\$27,855



In summary, it is important to note two items:

- A. The Coastal Program is responsible for significant improvements to the shellfish resource and hence the economic vitality of the coastal area; and
- B. It is doubtful State funds would have supported the abatement efforts of the DMR and DEP to level the Coastal Program has. The result of this support in 1983 is:
  - 1) The DEP has provided funds to the DMR to continue work on this project; and
  - 2) The DEP now has State funds to implement the small facility treatment program.

These are indeed fine examples of institutionalizing the accomplishments of the Coastal Program.

Task 7     Sears Island Development Study

In June, 1982 the SPO entered into a MOA with the Department of Transportation (DOT) to work on the Searsport project with coastal funds. The DOT then negotiated a contract with the Maine Development Foundation to assist them in developing Sears Island.

- 1. During the past year, using both State and coastal funds, the MDOT Bureau of Transportation Services assigned its Directors of Ports and Marine Transportation, Bureau Engineer, and other staff to project engineering, securing private operators, securing federal funds for building the project, environmental analysis, and designing general management of the port project. The consultants Hunter-Ballew, Olko Engineering, and Normandeau Associates were also hired. The MDOT has completed the preliminary design for the port and the environmental assessment. These were submitted to Federal environmental agencies for permits.

Specific products prepared to-date include:

- A. The EPA application has been submitted to EPA. Further action will not take place, however, until the environmental permit questions are resolved.
- B. The MDOT is currently working with the Town and its consultant, Woodard and Curran on the utility design and coordination.

- when?*
- C. The MDOT has made six public presentations on the project as well as given regular status reports to the Maine Port Development Council. It has also started to market the port through its port marketing efforts.
- D. As already stated, the MDOT has been working closely with its consultants to complete the preliminary design. Well over two dozen meetings have been held thus far.
- status*
- E. The MDOT has called regular meetings of the Sears Island Development Committee to review and endorse each stage of the design process. Attendance at these meetings has averaged 80% of Committee membership.
2. The Maine Development Foundation was hired with State and coastal funds to provide the following services.

A. Project Management/Administrative Support

*where?*

The Sears Island Development Task Force was organized to assure the project's orderly and timely development. It provides policy coordination among the various agencies involved in the Sears Island Development Project, serves as a forum for evaluating development opportunities, assures that appropriate work schedules are completed, and is charged with the development of an appropriate implementation organization for the physical development and operation of the Sears Island complex.

B. Project Financing

Primary needs in the financial area include assuring the availability of assistance necessary to supplement state funding (through the bond issue) of the cargo pier; and once availability is assured, securing the necessary funds. In addition, it has been necessary to secure additional funding for the causeway and access road (to supplement the approved Farmers Home Administration loan and the commitment of Federal Highway Funds). It will also be necessary to explore the possibilities for funding the necessary utilities.

With assistance and guidance from the Maine Development Foundation, the Town of Searsport was granted a two year Small Cities Community Development Block Grant which provides the necessary funding for the causeway and access road. Included in the grant award is partial funding for water utility construction on the island as well as funding to evaluate utility design. A contract has been signed with a utility design consultant, and work has begun to evaluate the location and design for the most cost-effective water utility system. This work is being coordinated with the efforts of the Maine Department of Transportation and the Project Manager.

C. Project Marketing

The marketing effort by the Maine Development Foundation consists of identifying targeted companies that could use the Searsport port and initiating a preliminary mailing alerting these companies to the proposed development at Sears Island.

Because of the delay in construction of the pier and causeway, efforts to complete the marketing have also been delayed. Once construction begins, the marketing will commence in earnest. To date, an announcement letter, to be sent from the Governor, has been developed and approved. This letter will be sent to firms in the SIC-targeted list. Copy, design, and layout are completed for a flyer to accompany the Governor's announcement letter. Approval of the copy has been received from the Task Force and the Governor's Office. A source for the mailing list has been secured; purchase of the list has been delayed until an appropriate time. Work on the other promotional material (to include a slide presentation and advertising brochures), initiated concurrently with the work on the flyer and mailing list, has been set aside until construction of the causeway begins.

D. Other Project Efforts

During 1982-83 the primary thrust of activities centered on obtaining commitments to finalize funding for the causeway and cargo pier. In May members of the Task Force travelled to Philadelphia and Washington to confer with officials of EDA, HUD and Department of Transportation to keep those agencies abreast of developments and solicit formal financial support for the project. In August a Community Development Block Grant was awarded to complete the necessary funding for the causeway and in December an additional three million dollars was made available through the Maine Department of Transportation for cargo pier construction.

Aggressive marketing during 1983 was hindered by the delays in the permitting process. However, meetings and discussions were held with individuals and firms that expressed interest in providing capital for infrastructure components of the project. Letters of interest and commitment were received covering such essential components as the construction of cargo sheds, warehouse, freezer and lifting capacity for the pier.

A "Public Awareness Program" was also established during 1983 on both a formal and informal basis. Public presentations of the project were made in Searsport, Belfat and Bangor. These presentations were informational in nature but solicited continued support for the project by varied municipal groups.

Task 8 Investigation of Special Issues

The Department of Inland Fisheries & Wildlife, Department of Marine Resources, and the Atlantic Sea-Run Salmon Commission received \$1,000 in coastal funds to prepare and print fisheries management plans for several rivers. These rivers include the Kennebec, Penobscot, Machias, Narraguagus, and the St. Croix among others. The plans were called for in the Maine Rivers Study and requested in the State energy plan.

Task 9 Public Access Study

The public access project is presently about 80% complete. A survey was sent out to over 2,000 Maine residents and town officials asking about boating, beach activities, commercial fishing, commercial clamming and worming, surf casting and waterfowl hunting. A response rate of approximately 42% was received and computerized. This information has been analyzed to determine frequency of response and cross-tabulated to increase our understanding of the public's perception of coastal access issues.

The final report is now being completed. It will evaluate the adequacy of coastal access for a variety of commercial and recreational purposes. The report will also discuss the adequacy of access opportunities for different regions of the Maine coast. Finally, recommendations of actions to be taken to increase coastal access where needed and preserve present coastal access will be made.

Task 10 Maine Sandy Beach Atlas

*Final peer review and publication of the Atlas has not been undertaken. Causes for this delay stem from inadequate staff resources to organize the peer review with the University of Maine and the Maine Bureau of Geology. Peer review and printing is now scheduled for this winter when adequate staff time will be available.*

Despite not having a printed Atlas, the Atlas' data is available and was used extensively by the Maine DEP in reviewing development proposals on Maine beaches. The Board of Environmental Protection relied on the Atlas data documenting shoreline recession and flooding to require setbacks and elevated structures for specific development proposals. The information was also used in evaluating the consequences of Fundy Tidal Power development on the Maine coast.

## II. Local Projects

### May, 1982 Competition:

Applications for local project funding through Maine's Coastal Program were distributed in May, 1982. The types of eligible projects remained basically unchanged from previous years; however, grants were awarded on a competitive basis rather than by the previously used formula. Competitive guidelines were developed and used to assess how each proposal addressed the following topics:

#### A. Program Benefits:

- Economic Benefits (e.g, fish piers)
- Access
- Management of Coastal Development (e.g, Local Coastal Management Laws)
- Coastal Resource Protection (e.g, shellfish surveys and harvesting ordinances)

#### B. Project and Proposal Quality:

- Likelihood of Being Implemented
- Degree of Local Support and Commitment
- Immediacy of Need
- Number of Towns Participating
- Quality of Proposal

There were 79 applications submitted totalling nearly \$900,000 for the \$600,000 maximum available for the local grants.

### Local Grant Advisory Committee

An Advisory Committee composed of representatives from the following groups or agencies was appointed to review applications and make funding recommendations: Departments of Environmental Protection, Marine Resources and Conservation, Maine Municipal Association, and the Threshold to Maine Resource Conservation and Development Program.

A careful and thorough review of all project applications resulted in the Committees final award recommendations for 62 projects involving 73 coastal communities. These recommendations were reviewed and approved by the State Planning Office Director and the Governor. Towns received their award notification in early September, 1982.

During the reporting period, local grants administration staff worked with all the participating coastal communities to develop projects and to help assure that projects run smoothly. Numerous meetings were held with communities and with state agencies to refine project details and work programs.

# Breakdown of funds to locals

Projects which 1982-83 coastal funds were awarded are listed below by their respective project categories.

## Waterfront, Harbor Improvement and Economic Development

<u>Community</u>	<u>Project</u>
Eastport	Cargo Port Feasibility Study
Pleasant Point Reservation	Fish Plant Utilization Study
Machias	Waterfront Development Coordinator
Winter Harbor	Marine Resource Marketing Study
Southwest Harbor	Harbor Plan
Gouldsboro	Harbor Plan
Stonington	Water Supply Study
Swan's Island	Harbor Planning and Development
Bangor	Waterfront Improvement Design
Rockland	Fish Pier Development Plan
Belfast	Inner Harbor Marina Planning
North Haven	Resource Development Study
Hallowell	Front Street Shoreline Plan
Georgetown	Five Islands Waterfront Plan
Bath	Transient Boating Facilities Study
Greater Portland Area	Berthing Study

## Management of Coastal Development

Cherryfield	Coastal Management Code Enforcement and River Study
Lamoine	Aquifer Study and Protection
Bucksport	Coastal Management Ordinance Revision
Hancock	Comprehensive Plan & Ordinance Development
Mt. Desert Island Communities	Acadia Park Impact Study
Hampden	Planning Assistance & Code Enforcement
Eddington	Planning Assistance & Code Enforcement
Searsport	Coastal Development Impact Planning
Rockland	Comprehensive Plan
Rockport	Subdivision Ordinance Development & Septage Disposal Planning
Camden	Comprehensive Plan & Zoning Ordinance
Boothbay	Revision
Brunswick & Topsham	Land Use Plan Development & Code Enforcement
Scarborough	Development Impact Study
Falmouth	Land Use Code Revision & Enforcement
South Berwick	Development
Saco	Zoning Map & Subdivision Ordinance
Arundel	Zoning Standards Development
York	Zoning Ordinance Revision
	Camp Ellis Erosion Study, Code Enforcement, and Planning Assistance
	Historic District Ordinance Development

### Improving Coastal Access and Recreation

<u>Community</u>	<u>Project</u>
Brewer	Riverfront Development and User Study
Augusta/Gardiner/Hallowell	River Recreation Study
Cape Elizabeth	Access Study
South Portland	Clark's Pond Study
Biddeford/York/ Ogunquit/O.O. Beach/ Kennebunk/Wells	Access Study

### Coastal Resources Protection

<u>Community</u>	<u>Project</u>
Addison	Shellfish Conservation
Steuben	" "
Lubec	" "
Milbridge	" "
Jonesport	" "
Pembroke	" "
Harrington	" "
Beals	" "
Jonesboro	" "
Roque Bluffs	" "
Whiting	" "
Trenton	" "
Surry	" "
Tremont	" "
Gouldsboro	" "
Vinalhaven	" "
Harpswell	" "
Freeport	" "

*Added since publication  
from previous  
S&P report  
11/1/83*

### June, 1983 Competition

Applications for \$70,000 in remaining local project funds were solicited in May, 1983. Forty proposals, requesting nearly \$200,000 were received.

Proposals were reviewed by SPO staff and the Local Grants Advisory Committee. Seventeen awards were made with the funds available, as indicated on the following page.

Waterfront Projects	Solid Waste Projects	Growth Management Projects	Resource Management Projects
Bangor \$5,000	Washington Co. \$8,000	Hampden et al \$5,800	Machiasport \$3,000
Portland \$7,000	Hancock County \$8,000	Vinalhaven \$500	Brunswick \$1,000
Yarmouth \$3,500	Penobscot Co. \$3,000	So. Me. COG \$3000	Whiting \$3,000
Augusta \$7,500		Frenchboro \$1,500	Beals \$3,000
Hampden \$5,000			Cutler \$1,000

*Solid waste proj. ext. Dune  
Machias Pt ext Job.*



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Waterfront & Economic Development

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AUGUSTA

Major Project Task: \$ 7,500 Waterfront Improvement Planning

Status:

- Preliminary designs and cost estimates for shoreline stabilization and waterfront mini-park. The City, working with a consultant, is developing plans for waterfront improvements to be undertaken in conjunction with their downtown redevelopment plans. Final products are due in December.

---

BANGOR

Major Project Tasks: \$ 6,500 Waterfront Improvement Design

Status:

- Site planning for 1000' of Kenduskeag Stream shoreline to redesign Kenduskeag Plaza.
- Feasibility study for retaining water level at low tide along Plaza shorefront.
- Implementation plan.
- Site planning and design work completed.
- Implementation arrangements tentatively approved by city and Bureau of Parks & Recreation.

Comments:

- City using CDBG funds with LAWCON FUNDS to implement.

Major Project Task: \$5,000 Cruise Boat Berthing Plan

- Site Analysis including Borings
- Preliminary Construction Plan & Costs
- Identification of Required Permits

## Waterfront & Economic Development

---

### BANGOR (con't.)

#### Status:

- This 150 foot section of shoreline provides an opportunity for space to tie-up cruise boats and other larger craft ocean-going visiting Bangor via the Penobscot River. the prospective berthing facility will complement other recent improvements in a program of restoration on the Bangor waterfront.

#### Comments:

- The consultant has been selected; other preparatory arrangements have been completed; balance of work scheduled for December.
  - Hydrographic data on the River by COE is a timely complement to the berthing facility analysis.
- 

### BATH

Major Project Tasks: \$ 8,500      Transient Boating Facilities Study

#### Status:

- A consultant, working with a local Committee, developed a proposed plan and designs for increasing waterfront capacity to accommodate mooring of large excursion boats at the Bath waterfront. The City is currently exploring options for financing the proposed new facilities, which include an expanded public dock and berthing facilities.
- 

### BELFAST:

Major Project Tasks: \$15,000      Inner Harbor Planning

- LAWCON funding application preparation.
- Preliminary Harbor Plan

## Waterfront & Economic Development

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### BELFAST (con't.)

- Site Development Plans for selected areas/facilities.
  - Final Report and Hearings
- Status:
- Project schedule was delayed to overcome unforeseeable land title problems; second LAWCON application submitted. Harbor Planning and Site Planning are completed.
- Comments:
- LAWCON application for implementation funding has been approved; city has committed matching funds; construction scheduled for spring 1984.

LAWCON	\$ 165,000
State	28,000
City Tax	75,000
CDBG	182,000
	<u>\$ 330,000</u>

---

### EASTPORT

Major Project Tasks:	\$ 3,000	<u>Cargo Port Feasibility Study</u>
	\$16,000	<u>Preliminary feasibility and marketing study for a cargo terminal.</u>

- Status:
- Preliminary feasibility study complete, marketing study in final draft stage.
- Comments:
- As a result of this study, Eastport is receiving state funds (\$140,000) to upgrade its current facility.
-

## Waterfront & Economic Development

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### GEORGETOWN

Major Project Tasks: \$ 10,500 Five Islands Waterfront Plan

- Detailed site analysis; evaluation and plans with cost estimates for renovating town owned waterfront buildings; implementation considerations (e.g, permits, assessment, funding sources, etc.)

Status: ✓ Project is complete.

Comments: - Town voted at special town meeting to commit \$80,000 in local funds for implementation. Direct result of Coastal Program project supporting extensive public participation with consultants.

---

### GOULDSBORO

Major Project Tasks: \$ 10,500 Harbor Plan

Status: - Mooring surveys, harbor needs assessment, access recommendations, users survey and draft Harbor Ordinance are completed. The ordinance will be presented for local approval in March, 1984.

Comments: - Gouldsboro is a small coastal town heavily dependent upon its local fishing industry and its several small harbors. An Army Corps dredge maintenance project was recently completed in the Town.

---

### GREATER PORTLAND AREA

Major Project Tasks: \$ 18,000 Berthing Study for the Portland Region

Status: ✓ - This study is complete and key findings and recommendations are being presented in a series of public meetings by the Committee and consultant. Key findings of the study cite the need for expanded recreational berthing facilities in towns surrounding

## Waterfront & Economic Development

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### GREATER PORTLAND AREA (con't.)

Status: Portland, leaving Portland for concentration of commercial fishing and cargo berthing facilities. Specific recommendations are included in the study.

Comments: - This very successfully study addressed an important regional planning need and compliments the fish pier and Bath Iron Works development activities underway in Portland Harbor. \*

---

### HALLOWELL

Major Project Tasks: \$ 10,600 Front Street Shoreline Planning, Phases I & II

Status: - PHASE I: Base maps, public survey, site inventory and analysis.  
- PHASE II: Draft right-of-way agreements, survey of new rights-of-way, Utility Planning.

Comments: - The object of Phases I & II is to develop a plan for a waterfront walkway and shoreline improvements consistent with public and private landowner desires. Phase I is complete and Phase II will be completed in December.

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### HAMPDEN

Major Project Tasks: \$5,000 Marina Implementation Study

- Hampden is developing a marina on the Penobscot River using funds from the Coastal Program, the Bureau of Outdoor Recreation, the State of Maine and locally-raised funds. A boat ramp, dock and other facilities have been constructed. The current phase of the project is the groundwork for development and operation of the site in a joint public-private endeavor.

2000 completed?

## Waterfront & Economic Development

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### HAMPDEN (con't.)

*Complete*  
Status:

Comments:

- Request for Proposals for development and/or operation of the site and adjacent areas.
  - To be completed in December.
  - The Town envisions construction of additional marina facilities by a fixed-base operator meeting town requirements, who will operate the facilities for a specified period of time, after which they will become town property.
- 

### MACHIAS

Major Project Task: \$ 4,500 Waterfront Coordinator

Status:

- Projects initiated or completed by the waterfront coordinator include: a very successful one-day conference on the Machias River and waterfront development, with speakers from State, Federal and local agencies; completion of shoreline stabilization measures to protect an historic site; completion of a local survey of waterfront redevelopment; and placement directional signs for historic sites in the waterfront area.

Comments:

- This is a very successful grassroots effort supported mainly with volunteer labor and donated materials. The result is strong local support for continued waterfront and downtown improvements, and increased private investment.
-

## Waterfront & Economic Development

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### NORTH HAVEN

Major Project Tasks: \$ 5,000      Resource Development Study

Status:

- Socio-economic Study.
- Natural Resource Analysis
- Development Strategy
- Opinion Survey
  
- All four major parts of the Study are complete in draft form. The Town has already formed a non-profit development corporation to implement study recommendations. The final report will be completed in December.

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### PLEASANT POINT

Major Project Task: \$ 9,000      Fish Plant Utilization Study

Status:

- The utilization study, market analysis and business plan were prepared by the consultant and reviewed by the Tribe, local fish cooperative, and State Department of Marine Resources. Final recommendations call for development of a clam shucking operation and fish filleting operation. The Tribe is actively working to start up one or both operations and is exploring programs for financial assistance.

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### PORTLAND CITY

Major Project Tasks: \$ 15,000      Waterfront Administration

- Coordination of various waterfront projects; development of fish pier management systems; reviews of permit applications.

*status 2 complete*

## Waterfront & Economic Development

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### PORTLAND CITY (con't.)

- Status:
- Administration activities include assistance in relocating the Casco Bay Lines Terminal, locating the proposed Aquarium, developing new zoning based on a "working waterfront" concept, representing Portland on the regional berthing study and the Harbor Commission.
- Comments:
- The waterfront administrator will also work with the "Access Task Force" on the waterfront access project supported with coatal funds.
- 

### ROCKLAND

Major Project Tasks: \$ 6,000 Fish Pier Development Plan

- Comments:
- This project was not undertaken by the City. Instead of working on a development plan for the pier, the City concentrated its efforts on locating the best site for the proposed pier, which has taken much longer than anticipated. The Maine DOT is still holding out State funds to help support Rockland's fish pier development when a final site is chosen.
- 

### SEARSPORT

(See 'Management of Development')

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### SOUTHWEST HARBOR

Major Project Task: \$ 12,500 Harbor Plan

- Status:
- A local committee is working with the Hancock County Regional Planning Commission in developing a new Harbor Ordinance and recommendations for harbor improvements. Both the ordinance and study recommendations will be completed in December.
-



## Waterfront & Economic Development

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### STONINGTON

Major Project Task: \$ 5,000 Harbor Planning  
(also see Management of Development Section)

Status:

- The Army Corps completed their preconstruction survey in the proposed anchorage in Green Head Cove. The town's Harbor Master, supported with coastal funds, assisted the Corps in their survey. The contract for corps dredging was delayed until they determine the exact amount of ledge to be removed. The new contract award is scheduled for November, 1983. Fish pier construction and dredging underway by the State will be completed by next summer.

Comments:

- The town will fully support salaries of the Waterfront Coordinator and Harbor Master to carry out harbor improvement efforts initially supported with coastal funds.
- 

### SWANS ISLAND

Major Project Tasks: \$ 16,000 Harbor Planning & Development

Status:

- Products completed include: physical characteristics report, Users Opinion survey and report, transient boat survey, base maps, mooring plan and draft harbor ordinance. The final ordinance and recommendations for improved moorings will be reviewed by the Town in December.
- 

*Completed 12/83*

## Waterfront & Economic Development

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### WINTER HARBOR

Major Project Task: \$ 8,500 Marine Resource Marketing Study

Status:

- A marketing study prepared by the consultant identifies direct live lobster sales to out-of-state markets as a feasible venture for local fishermen. Public meetings with fishermen are continuing in attempts to refine and implement this venture.

Comments:

- The Maine Department of Marine Resources is reviewing the study to identify areas where it can assist the fishermen in implementing the study.

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### YARMOUTH

Major Project Tasks: \$ 3,500 Dredge Study

Comments:

- This is a preliminary effort to identify the causes and long term needs for dredging in Royal River Harbor. The town hopes to identify ways to minimize dredging. The consultant's final recommendations are due in December.

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Coastal Access & Recreation

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AUGUSTA et al

Major Project Tasks: \$15,000      River Recreation Study, including:

- River Corridor Recreation Study (multi-town)
- Augusta: Townwide Zoning (see separate description under Management & Development Section)
- Hallowell: Waterfront Study (see separate description in Waterfront Section)
- Gardiner: Town Landing Improvement Study
- The multi-town river corridor study is scheduled for completion in December. A consultant working with a special committee analyzed economic and recreation opportunities along the Kennebec. The study will result in specific recommendations for local action. Issues addressed by the study include improving the navigational aids in the river channel, encouraging expansion of the tour boat industry, and developing a promotional brochure.
- Gardiner's project involved developing improvement plans for its public landing, including a new boat launch, floats, and fishing access and shoreline stabilization. A consultant assisted the local committee. The City applied for and received federal matching funds to implement the proposed improvements.
- Coastal funds allowed these riverfront towns to focus planning efforts on their primary needs and also take the first steps in activating a regional river recreation program.

Status:

Comments:

## Coastal Access & Recreation

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BIDDEFORD et al

Major Project Tasks: \$ 24,000 Access Study

Status:

- Legal research and meetings with officials in six communities completed. Final report being prepared.

Comments:

- Research confirmed public access rights on none of 29 sites investigated. Media reports have encouraged petitions to the Town to provide more access.

---

BREWER

Major Project Tasks: \$ 4,250 Riverfront Development Plan

Status:

- Citizen survey; access strategies; salmon fishery impact; photo inventory of waterfront; development recommendations.
- Delayed start, to be completed in December.

Comments:

- Photo inventory and research materials have been assembled; analysis of access and development alternatives underway.

---

CAPE ELIZABETH

Major Project Tasks: \$ 6,000 Access Study

Status:

- Report on historic public access.
- Report on deed research of shoreland properties.
- Analysis of impact of 1979 setback regulations on visual access from public ways.
- Proposed amendments for setback provisions for Town Council consideration.

## Coastal Access & Recreation

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### CAPE ELIZABETH (con't.)

Status:

- Deed research of historic public rights of access; across various properties is complete, mapping of site location of existing structures and topographic analysis is complete, setback regulations are being drafted.

Comments:

- Cape Elizabeth already has three major public access areas (Fort Williams, Crescent Beach and Two Lights), but is looking for ways to preserve visual access to the seascape by regulating private development.

---

### PORTLAND

Major Project Tasks: \$ 7,000

#### Waterfront Public Access Design Project

- Master Plan and illustrated design guidelines.
- Preliminary site plans.
- Technical report.
- The face of the Portland waterfront is changing. The City's strategy is to take advantage of projects such as the Bath Iron Works, the Casco Bay Ferry Terminal and numerous others to achieve improved public and pedestrian access. City as well as Coastal funds are being used for design and implementation.

Status:

- To be completed in December.

Comments:

- This project is part of a larger effort to produce a public access guidebook to assist public officials and developers in creating a public access system. The guidebook is intended for adoption by the Planning Board and City Council in the spring. Access proposals will be implemented through waterfront project review procedures and requirements.

## Coastal Access & Recreation

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### SOUTH PORTLAND

Major Project Tasks: \$ 12,000 Clark's Pond Study

Status:

- Part 1: Environmental Assessment
  - Part 2: Recreation Plan
  - Part 3: Erosion & Sediment Standards
- 1) Final recommendations for improving the Pond's water quality are due from the Technical Advisory Committee in November.
  - 2) Extensive public meetings are being held in November and early December to finalize recommendations and plans for recreation improvements. Committee is negotiating easements with private landowners and the Portland Water District.
  - 3) New erosion control guidelines and enforcement procedures were developed and are expected to be adopted by the Planning Board in early December.

Comments:

- This is an extremely energetic and successful 3 part project. The erosion standards should significantly improve water quality in Clark's Pond and other nearby waters. So. Portland is experiencing rapid commercial growth which is affecting water quality and natural resources.

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### WELLS

Major Project Tasks: \$ 15,000 Access and Waterfront Development

- Town seeking to acquire 19 public access sites.
- Form development corporation to attract a developer for implementing harbor front plans.

## Coastal Access & Recreation

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WELLS (con't.)

Status:

- Town has acquired full title to (10) access sites, partial title to (3), negotiated an exchange for (1), and negotiating (4) for acquisition at appraisal value, and negotiations continuing on (1).
  - Development corporation formation is substantially complete; promotion package in preparation.
- 

*Agreed  
- when completed  
- with them  
2*

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Marine Resource Protection  
(Shellfish Management)

---

ADDISON

Major Project Tasks: \$ 6,500      Shellfish Management

- Survey of Shellfish Stock
- Enforcement of local harvesting ordinance

Status:      - Project Completed.

Comments:      - Town closed 3 areas for conservation based on project results.

---

BEALS

Major Project Tasks: \$ 3,500      Shellfish Management

- Enforcement of the Clam Ordinance
- Surveys of Selected Clam Flats
- Reseeding activity

Status:      - Enforcement, survey, and management tasks completed.

Comments:      - Town appropriated \$1,000 to match grant.

---

FREEPORT

Major Project Tasks: \$ 4,000      Shellfish Management

- Enforcement of Clam Ordinance
- Surveys of Selected Clam Flats

Status:      - Clam survey and enforcement tasks completed.

Comments:      - Town has a full-time Warden/Harbor Master with Town funds.

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## Marine Resource Protection

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### GOULDSBORO

Major Project Tasks: \$ 3,500 Shellfish Management

Status: - The local shellfish warden, supported by coastal funds, enforced the local shellfish ordinance during the spring and summer season.

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### HANCOCK

Major Project Tasks: \$ 4,000 Shellfish Management

Status: - A local shellfish warden was hired in the spring. Due to local considerations, no surveying of the local clam resource was undertaken and the project was terminated early.

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### HARPSWELL

Major Project Tasks: \$ 8,000 Shellfish Management

- Clam Survey

Status: - Reseeding task continues. Contract has been let for the clam survey tasks.

Comments: - Harpswell is working with Brunswick and West Bath as a member of the Shellfish Regional Advisory Commission.

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Marine Resource Protection

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HARRINGTON

Major Project Tasks: \$ 3,500 Shellfish Management

- Enforcement of Clam Ordinance
- Survey of Selected Areas

✓ Status: - Project completed.

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JONESBORO

Major Project Tasks: \$ 3,200 Shellfish Management

- Enforcement of Clam Ordinance
- Survey of Clam Flats
- Reseeding

✓ Status: - Project completed.

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JONESPORT

Major Project Tasks: \$ 6,000 Shellfish Management

- Enforcement of Clam Ordinance
- Survey & Reseeding of Selected Areas

Status: - Survey and reseeded undertaken.

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LUBEC

Major Project Tasks: \$ 2,675 Shellfish Management

- Clam Survey
- Reseeding
- Clam Survey and Reseeding

Status: - Tasks completed.

Comments: - Town closed 3 areas to digging as result of project.

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## Marine Resource Protection

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### MACHIASPORT

Major Project Tasks: \$ 3,000

#### Quahog Research Project

- Data on quahog size, growth rate and habitat
- Cooperative agreements or regulations for sustained yield.
- Informational pamphlet for commercial fishermen.
- The ocean quahog in Machias Bay is a newly-tapped resource. Heavy fishing pressure is raising concerns as to overfishing and habitat damage. This project was initiated by the Machiasport Conservation commission to determine the need for restrictions on harvesting. In addition to the Coastal grant the Commission is receiving assistance from the Maine Department of Marine Resources and the University of Maine.

Status:

- To be completed in December.

Comments:

- This project is providing initial information necessary for resource management. A need is recognized for ongoing research into quahog growth rates.

---

### MILBRIDGE

Major Project Tasks: \$ 4,000

#### Shellfish Management

- Enforcement of Clam Ordinance
- Clam Survey and Reseeding Flat Beds

Status:

- Project completed.
-

Marine Resource Protection

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PEMBROKE

Major Project Tasks: \$ 3,000 Shellfish Management

- Enforcement of Clam Ordinance
- Clam Survey and seeding work

Status:

- Survey completed.

*Jed* Comments:

- Town discontinued Warden's position.
- What's this?*  
*Ellis*  
*2/1*

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ROQUE BLUFFS

Major Project Tasks: \$ 3,000 Shellfish Management

- Enforcement of Clam Ordinance
- Clam Survey

*Complete?* Status:

- Enforcement completed, clam survey scheduled for completed in November.

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STEUBEN

Major Project Tasks: \$ 3,000 Shellfish Management

- Enforcement of Local Clam Ordinance

Status:

- Project Completed.

Comments:

- Town appropriated major share of annual warden expense.

---

SURRY

Major Project Tasks: \$ 3,000 Shellfish Management

Status:

- Project is complete. The Town worked closely with both the Department of Marine Resources and the Department of Environmental Protection in identifying sources of domestic pollution of local shellfish flats. Coastal funds were used in conjunction with an \$18,000 grant from DEP to replace approximately ten faulty septic systems along the shoreline.

## Marine Resource Protection

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### SURRY (con't.)

Comments:

- This is an excellent example of using Coastal funds to leverage State implementation funds. Without Coastal funds, fewer faulty systems would be replaced.
- 

### TREMONT

Major Project Tasks: \$ 500

Shellfish Management

Status:

- Reseeding of Duck Cove
  - One day project field work remaining to be completed early December.
- 

### TRENTON

Major Project Tasks: \$ 3,000

Shellfish Management

Status:

- Enforcement of Clam Ordinance
  - Clam survey and Reseeding
  - Clam Survey Completed.
- 

### VINALHAVEN

Major Project Tasks: \$ 5,000

Shellfish Management

Status:

- Clam Survey to update 1978 data.
  - Clam survey completed, report being prepared.
-

Marine Resource Protection

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WHITING

Major Project Tasks: \$ 5,000      Shellfish Management

- Clam Survey
- Reseeding of portions of Holmes' Bay

✓ Status:

- Clam survey and reseeded activities completed.
-

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Management of Development

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AUGUSTA

Major Project Tasks: \$ 5,000      Drafting Citywide Zoning Ordinance

Status:

- The City used coastal funds to support its efforts to develop a citywide zoning ordinance. Augusta is the last major Maine city and the last State capital in the nation to adopt a zoning ordinance.
- After extensive public review and debate, the ordinance was adopted by citizens in the November 8th general election.

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BREWER

Major Project Tasks: \$ 3,500      Planning Assistance

Status:

- Technical assistance to Planning Board.
- Revised Subdivision Ordinance.
- Implementation plans for new land use controls.
- Present subdivision ordinance evaluated; revisions to zoning districts drafted; technical counsel to Planning Board continues.

---

BREWER, Penobscot Valley Solid Waste Project

Major Project Tasks: \$3,000      Development of Refuse Disposal District  
Enabling Legislation

- Legislation workshops for representatives of multi-community waste management projects throughout the State.
- A draft enabling act.

## Management of Development

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### BREWER, Penobscot Valley Solid Waste Project. (con't.)

- Brewer and five other coastal communities are members of a 22-community cooperative effort to develop a regional resource recovery-solid waste facility. There are six other similar cooperative projects among coastal towns. A common concern is that existing State law does not provide for an adequate management entity for facilities envisioned. Preparation of new legislation is being funded by the Penobscot Valley Solid Waste Project, the State DEP, and a Coastal grant to the City of Brewer.

Status:

- Two workshops have been held. Final revisions in the draft act are being negotiated, preparatory to consideration by the Legislature in January, 1984.

Comments:

- The Coastal grant is facilitating a genuine cooperative effort between coastal communities to solve a critical problem.

---

### BUCKSPORT

Major Project Tasks: \$ 2,500

#### Ordinance Revisions

- Evaluate existing ordinances; draft Harbor, Harbormaster, and Signs Ordinances, hold 2 hearings; revise ordinances for Code.

Status:

- Project completed.

Comments:

- Town Council expected to adopt the new ordinances and other articles in December 1983.
-




## Management of Development

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### CHERRYFIELD

Major Project Tasks: \$ 4,500      Code Enforcement

Status:

- This project is complete. The Code Enforcement Officer supported with coastal funds was active enforcing local ordinances, including the Shoreland Zoning Ordinance and Building Code. Several development proposals along the Narraguagus River required the CEO's active involvement.
- 

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### FRENCHBORO

Major Project Tasks: \$1,500      Year-Round Resident Housing Site Analysis

Status:

- Contour map and soil suitability analysis.
- Site development plan.
- By-laws for a local development authority.
- Frenchboro is an island community in urgent need of year-round housing designated for fishermen and their families. The major island landowner has offered a site, contingent on the delineation of boundaries and preparation of a development plan by the town.

Comments:

- To be completed in December.
  - Frenchboro is faced with high housing costs, speculation, and conversions to seasonal use. Solution of its housing problem will ensure its survival as a town.
- 

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### HANCOCK

Major Project Tasks: \$ 5,000      Comprehensive Plans & Ordinance Development

Status:

- The Planning Board, with consultant assistance, reviewed its Comprehensive Plan and revised key local ordinances: Land Use Ordinance, Zoning Map, and Planning Board Ordinance.

## Management of Development

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### HANCOCK (con't.)

#### Comments:

- The Planning Board plans to submit the Land Use and Planning Board Ordinances for adoption in November and the Subdivision Ordinance for adoption in March, 1984.

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### HANCOCK COUNTY

Major Project Tasks: \$ 8,000

#### Regional Solid Waste Landfill Investigation

- Aerial photographs with controls.
- Contour map.
- Recommendations for a legal entity to manage the facility.
- Proposed site acquisition and right-of-way agreements.
- Ten Hancock County towns are using Coastal funds to support their efforts at developing a regional landfill. The Hancock County Regional Landfill Study Committee was formed to oversee the work, which is also supported by \$38,000 in County and local tax monies for the engineering investigation of geologic and hydrologic conditions on the site.
- To be completed in December.
- The Study Committee is aiming at a completed landfill proposal for approval by the participating towns at their March, 1984 town meeting.

30  
7  
6  
Status:

Comments:

## Management of Development

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### LAMOINE

Major Project Tasks: \$ 12,000 Aquifer Study and Protection

Status: - This project is complete. The study recommendations are being reviewed and considered by the Planning Board for local adoption. The Board hopes to refine its gravel extraction ordinance to reflect the study's findings and protect the town's groundwater resources.

✓

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### MT. DESERT ISLAND communities

Major Project Tasks: \$20,000 Acadia National Park Impact

Status: - This study will be completed in December, when final recommendations regarding the Park's economic impact and local financial burden will be presented. The study entailed comparing municipal revenues and expenses of the towns surrounding the Park to similar resort towns in Maine.

Comments: - The study has already uncovered a mistake in Park local reimbursements which will result in an increase in annual Park payments of approximately \$85,000.

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### ELLSWORTH

Major Project Tasks: \$ 6,500 Union River Study

Status: - Project will be completed in December. An active local committee is coordinating consulting efforts by the Hancock County Planning Commission and an architectural firm. Products will include designs for a riverfront walkway and legal easements over private riverfront lands.

02

## Management of Development

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### ELLSWORTH (con't.)

#### Comments:

- The Union River is a major natural feature in the center of downtown Ellsworth. A companion study of the river's resources further upstream is currently underway through support from the Maine Department of Conservation.

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### STONINGTON

Major Project Tasks: \$25,000      Water Supply Study

#### Status:

- This study is complete. Hydrogeologic investigation resulted in successfully locating two bedrock wells with acceptable yields. The Town plans to drill more wells and replace the currently used Burntland Pond water supply which is unacceptable.

#### Comments:

- This new water supply is vital to operations at the new fish pier and fish processing facilities. The Town is working closely with the Farmers Home Association regarding financing for the new water supply system.

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### HAMPDEN

Major Project Tasks: \$ 10,500      Planning Assistance & Code Enforcement

#### Status:

- Code Enforcement Administrative System.
- Planning Assistance.
- The Code Enforcement Administration System is developed and in use by the City. Technical Assistance to Planning Board continues; eg., Technical memos were prepared for Site Plan Review regulations and a proposed Zoning Change.

HAMPDEN et al                      \$ 5,800      Television series on Local Land Use Controls

Status:

- Hampden and several other Penobscot Valley towns are working with the Penobscot Valley Regional Planning Commission to produce a 3 part television series on local land use controls. Geared for local officials, the series is being prepared with guidance from a special project committee. Topics will include site review, subdivision and shoreland zoning. The series will be aired this spring.

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EDDINGTON

Major Project Tasks: \$ 2,000      Planning Assistance & Code Enforcement

- Administrative Forms.
- Administration Flow chart.
- Revised Site Plan Review Ordinance.
- Final Report.

Status:

- Project completed.

Comments:

- Administrative forms and procedures are in use and town adopted the Site Plan Review revisions.

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SEARSPORT

Major Project Tasks: \$ 15,000      Coastal Development Impact Planning

Status:

- Complete. This study analyzed several development scenerios for Sears Island closely coordinated with the development plans of the Maine DOT, the Islands owners, and the Maine Development Foundation. Specific recommendations regarding the need for local land use controls and municipal services and taxes were addressed by the study. Several public hearings to review the study were held during the summer.

22

## Management of Development

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### SEARSPORT (con't.)

#### Comments:

- State permits for the proposed port facility were granted this fall. Federal permits were applied for; however, the need for a full environmental impact statement has not yet been determined by the federal agencies.

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### ROCKLAND

Major Project Tasks: \$ 10,000 Comprehensive Plan

#### Status:

- Major portions of the Plan have been prepared and presented to the City by the EasternMid Coast RPC. The final plan will be presented in December.

#### Comments:

- Major issues addressed in the plan deal with the City's waterfront development and plans for a new fish pier funded in part by State funds.

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### ROCKPORT

Major Project Tasks: \$ 7,500 Subdivision Ordinance and Septage Disposal Site Study

#### Status:

- Both projects are complete. The subdivision ordinance was adopted at Town meeting in March, 1983. The Town hopes to purchase a property identified in their study for septage disposal. The Town coordinated with and involved both the Maine DEP and Soil & Water Conservation Commission in finding a suitable septage site.

## Management of Development

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### CAMDEN

Major Project Tasks: \$ 8,500

#### Comprehensive Plan & Zoning Ordinance Revision

Status:

- The Comprehensive Plan will be complete in December. Extensive public involvement went into developing the draft plan and recommendations. The Town hired a consultant to work with a special committee.
- The Ordinance revision work did not begin until after the draft Plan was developed. Due to time constraints, revisions to the ordinance will be limited to legal improvements and clarification of the document.

Comments:

- Both the Comprehensive Plan and legal revisions to the ordinance will be presented for Town adoption this spring.

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### BOOTHBAY

Major Project Tasks: \$ 7,000

#### Land Use Plan Division Code Enforcement

Comments:

- Current land use maps; growth management policy document; land use ordinance revisions; code enforcement program support.
- Aerial photos delivered; mapping in process; Policy Committee has held initial meetings; land use analysis underway. Final products due in December.

---

### TOPSHAM

Major Project Tasks: \$

#### Zoning Revision

Status:

- The Town's Planning Board is working with the Androscoggin Valley COG in revising the townwide zoning ordinance. The final draft ordinance will be complete in December. Key zones addressed in the Ordinance revision include aquifers, shorelands, and resource protection areas.

## Management of Development

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### TOPSHAM (con't.)

Comments:

- The final public hearing on the ordinance will be held in February, before the Town meeting. Topsham is experiencing rapid residential and commercial growth and is influenced by growth pressures from nearby Bath Iron Works.

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### SCARBOROUGH

Major Project Tasks: \$ 5,000 Land Use Code Revision  
4,000 Code Enforcement

Status:

- Issue paper done; Site Plan Review Ordinance now before Town Council. The Preliminary Inspection provided essential technical data for code enforcement in this rapidly developing community with complex sanitary waste disposal problems.

Comments:

- Code Enforcement activity initiated under this project will be continued on Town funds.

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### FALMOUTH

Major Project Tasks: \$ 4,000 Zoning Map and Subdivision Ordinance

- Integrated Zoning Map,.
- Subdivision Ordinance.
- Roads Inventory and Ordinance.

Status:

- Issue papers and draft Zoning Map prepared for Council Hearings, Subdivision Ordinance as well as revisions to stormwater and sewage ordinances complete.



## Managment of Development

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### SOUTH BERWICK

Major Project Tasks: \$ 1,850

#### Zoning Standards Development

- Project work completed, report in preparation. Final products due in December.

#### Comments:

- Revisions slated for adoption at March 1984 Town Meeting.
- 

### SACO

Major Project Tasks: \$ 2,000

#### Zoning Ordinance Revisions

- Environmental Standards.
- Outdoor Signs Standards.
- Clarification of Appeals Criteria.
- District Boundary Revision.
- Completed draft ordinance including proposed new Districts-Zoning Map, Environmental Standads; Signs, Specified Land Uses, and Appeals Procedures.

#### Status:

#### Comments:

- Several technical memos, numerous issues, major revisions and extensive Planning Board reviews and discussion have been carried out.
- 

### ARUNDEL

Major Project Tasks: \$ 2,500

#### Code Enforcement & Planning Board Assistance

- Planning Board staff support.
- Code Enforcement field work.

#### Status:

- Project completed.
-

## Management of Development

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### YORK

Major Project Tasks: \$ 2,000 Historic District Ordinance Development

Status: - Project completed.

Comments: - After several public meetings the town, with Regional Planning Commission Assistance, developed an Historic Ordinance protecting three key areas in town. The Ordinance will be presented for adoption at the March town meeting.

✓

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### EASTERN WASHINGTON COUNTY

Major Project Tasks: \$8,000 Solid Waste Disposal Planning

- What are we getting for our \$?*
- Several communities in eastern Washington County are using coastal funds to support their efforts at developing a regional landfill. The communities, through a special committee, are negotiating an agreement with a private operator who will own and operate the facility. The Committee is also supporting the development of an operations manual which will regulate the use of the disposal site.

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### SOUTHERN MAINE COUNCIL OF GOVERNMENTS

Major Project Tasks: \$ 3,000 Saco River Zoning Study

- 2 How does Bidlow it (can it) tie into areas task pg 54*
- Analysis of land use changes along the Saco river in Saco and Biddeford.
  - Recommended changes in zoning boundaries, requirements and procedures for development permits.

## Management of Development

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### SOUTHERN MAINE COUNCIL OF GOVERNMENTS (con't.)

- Major development pressures are occurring along the Saco River in Biddeford and Saco. Waterfront zoning enforced by the Saco River Corridor Commission is out of date. This updating study is being undertaken by the Southern Maine Council of Governments on behalf of the Corridor Commission.
- Status:
- To be completed in December.
- Comments:
- Findings and recommendations are to serve as the basis for a petition by the cities for amendments in the Corridor Commission's enabling legislation and administrative regulations and procedures.
- 

### VINALHAVEN

Major Project Tasks: \$ 500

#### Zoning Ordinance Update

- Revised Zoning Ordinance.
  - Permit and application forms.
  - Piecemeal amendments to Vinalhaven's townwide zoning ordinance since 1974 have created conflicting sections and administrative problems. Restrictions are too tight in some areas and too lax in others. The town is using Coastal funds to complete an update it began with local resources and assistance from the Eastern Mid-Coast Regional Planning Commission.
- Status:
- To be completed in December.
- Comments:
- A special town meeting is expected to be held in December for adoption of the revised ordinance.
-

### III. Regional Planning Commissions

The State Planning Office earlier submitted a separate "benchmark" report on RPC activities through June 30, 1983. This report updates RPC activities through September 30, 1983 when coastal funding support ended.

RPCs assisted towns with more than eight shoreland zoning cases during the period, including revising standards for island conditions and a workshop on development in shoreland areas associated with new sand dune regulations.

More than 52 state level permit applications were reviewed, notably in the more intensely developing Southern Maine area, and in the Hancock County area.

Approximately 33 towns received planning assistance relating to growth management issues, such as updating land use districts, subdivision reviews, and zoning administration.

Regional issues ranged from solid waste disposal to an examination of Acadia National Park policy on making payments in lieu of taxes to Hancock County towns. For a complete accounting of RPC activities see appendix II.

*how much \$ did they  
get last yr. (\$2012?)*

## Monitoring and Enforcement Activities

Monitoring and enforcement of Maine's Coastal Program core laws is a major program element. The State Planning Office helps to coordinate and assist local and state agencies responsible for administering these laws. In addition to Program support of DEP enforcement, technical assistance, and licensing functions described below; Program funds were used to conduct a Shoreland Zoning Monitoring Program. This Monitoring Program is described in Section C below.

The DEP enforcement staff perform five basic functions:

- Summaries of staff actions for key functions related to monitoring and enforcement (i.e, complaint resolution, compliance inspection, and enforcement resolution) are summarized below. Summaries cover the activities for all three DEP Enforcement field offices for the period October 1, 1982 to October 1, 1983.

Highest priority is given to responding to citizen complaints, as this is an effective means of policing violations. During the past year, a major increase in complaints were handled by the DEP. The following chart summaries the resolution of coastal area complaints:

<u>Coastal Region</u> <u>10/82 - 10/83</u>	<u>Downeast*</u>	<u>Central</u>	<u>Southern</u>	<u>Total</u>	<u>Increase Over</u> <u>1981-82 totals</u>
Resolved	74	60	94	228	422%
Pending	17	11	64	92	260%
Deadfiled	26	23	150	199	420%
Total Complaints	117	94	308	519	381%

Consent agreements and legal responses to violations are summarized in a separate section below.

### Compliance Inspections

Approximately 1750 projects in the coastal region were active during the period from October 1982 to October 1983 as compared with 2033 projects during the previous year.

The top five compliance inspection priorities during this period were as follows:

1. Problem landfills (environmentally hazardous)
2. Septage/sludge sites
3. Large Wetlands/Coastal Sand Dunes Activities
4. Mining
5. Large industrial parks

As in past years, solid waste disposal facilities received the most attention due to the magnitude of potential problems associated with their location in the coastal area.

136 Wetlands projects continued to receive priority attention by the field staff. One-hundred thirty six separate wetland projects were inspected during the period as compared to 33 the previous year. During the same period, 49 site location projects were inspected.

### Enforcement Action

Compliance and complaint investigations by DEP Enforcement staff resulted in initiating enforcement actions on 22 cases within Maine's coastal area. The table below summarizes these actions for the reporting period October 1982 to October 1983.

Region	Compliance Inspections	Consent Agreements			Referrals to Attorney General
		Attempted	Resolved	Pending	
Downeast	32	6	2	4	0
Central	47	5	3	1	1
Southern	200	11	7	3	5

# Major Enforcement Issues in Coastal Area

The following chart summarizes major enforcement issues:

## SOUTHERN DISTRICT

<u>Location</u>	<u>Violation</u>	<u>Enforcement Action</u>
Old Orchard	Solid Waste Disposal Law - non compliance	Consent Decree from Superior Court, Site Closure.
Phippsburg	Coastal Sand Dunes	Referred to Attorney General.
Kittery	Bulldozing and filling a Coastal Wetland	Referred to Attorney General, Superior Court decided case June 29, 1983. \$10,000 fine, complete restoration of Marsh and Tidal Creek. ①
Scarborough	Bulldozing and filling a Coastal Wetland	Consent Agreement, \$750 Penalty, Restoration of Marsh.
Biddeford	Filling a Coastal Wetland	Consent Agreement, \$250 Penalty, Restoration of Marsh.
Portland	Violation of Wetlands Permit	Consent Agreement, \$300 Penalty, Restoration of Marsh.
Biddeford	Violation of Coastal Sand Dune Permit	Consent Agreement, \$1,000 Penalty, Remove Gravel Fill, Revegetate Area.
Biddeford	Dredging a Coastal Wetland	Consent Agreement Pending.
So. Portland	Filling a Coastal Wetland	Consent Agreement \$50 Penalty, Apply for Permit, Restoration.
So. Portland	Filling a Coastal Wetland	Consent Agreement, \$250 Penalty, Apply for Permit, Restoration.
Kennebunk	Bulldozing of Coastal Sand Dune	Summoned to Court, DEP staff, DMR Warden, and Town reached agreement, Town filed for Court costs.

*adequate staffing?*

*do you feel that there are*

*other cases getting by*

*the system because*

*of volume of violations?*

*June 29/1983*

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100. 10/1/83*

CENTRAL DISTRICT:

<u>Location</u>	<u>Violation</u>	<u>Enforcement Action</u>
12 Bristol	Coastal Wetland Permit	Consent Agreement - Site Restoration and \$50 penalty.
13 Richmond	Solid Waste	Amended Consent Agreement - new time table for closure, additional monitoring parameters.
14 S. Bristol	Coastal Wetland	Consent Agreement - File for permit and \$200 penalty.
15 Boothbay	Solid Waste	Consent Agreement pending - site closure and penalty.

16 DOWNEAST DISTRICT:

Blue Hill	Solid Waste	Consent Agreement pending - requires closure of present site.
17 Southwest Harbor	Solid Waste	Consent Agreement drafted requiring upgrading of site operations and drainage system. Referral to AG may result.

Consent agreements were used to resolve the majority of enforcement issues. They provide for more expeditious resolutions, especially for the more minor violations. Referral of cases for state prosecution in District Court often delays resolution due to higher priority of other matters in the Attorney General's Office.

The Department was very successful this year in resolving several major core law violations in Superior Court. One case in Kittery - the State of Maine vs. Jonathan Shaftmaster - resulted in the largest fine ever levied for violation of the Coastal Wetlands Act. The Superior Court granted the State a temporary and permanent injunction, a \$10,000 fine, and ordered complete restoration of the tidal creek and adjacent marsh.

The DEP Enforcement staff work closely with other State agency staff in enforcement cases, including the Departments of Marine Resources and Inland Fisheries & Wildlife.



b) Review and Licensing Division

The Division of Review and Licensing reviews proposed activities requiring permits under the Site Location and Coastal Wetlands Laws. The Division prepares staff orders to approve or disapprove applications and it makes recommendations to the Board of Environmental Protection on applications requiring Board approval.

The following tables summarize applications received for the period October 1, 1982 to October 1, 1983.

### Site Location Law

<u>Type</u>	<u># of Applications</u>
2 Residential	37
Industrial	20
Mining	2
Solid Waste	56
Retail Facilities	16
Total	<u>131</u>

## Wetlands Law

Sea Walls	32
Piers, ramps, floats	70
Dredging	23
Dunes	58
Fill	14
Total	197

c) Shoreland Zoning Monitoring

Along with the shoreland zoning monitoring during the period, technical assistance and response to complaints was also provided by SPO and DEP staff. A summary of activities undertaken in the shoreland zoning monitoring project is included below. The full monitoring report will be submitted separately as an addendum to this Progress Report.

Coastal funds were used to undertake a Shoreland Zoning Monitoring Study from June 1982 - September 1983. Funds were used to support one new full-time position in the DEP Enforcement and Field Services Division. This staff person coordinated the project with other Division staff and with the State Planning Office.

Major activities of the Monitoring Project included:

- A. Selecting and monitoring the administration and enforcement of shoreland zoning in 30 municipalities.

[illegible]

- B. Respond to citizen complaints of shoreland zoning violations and undertake activities need to resolve complaints.
- C. Assist communities in improving local administration and enforcement.
- D. Assist with state efforts to require adequate enforcement where it does not currently exist.

The major project activity involved the individual monitoring of local shoreland zoning administration in 30 communities. Monitoring responsibilities were shared amongst the three coastal DEP regions. Site visits and interviews with local officials were conducted. A summary report was sent to each community and a follow-up evaluation was completed once the town had sufficient time to take action.

A final summary report on all shoreland zoning monitoring activities is in final preparation by DEP and SPO. This report will be submitted to OCRM once it is completed in early December.

#### Shoreland Zoning Ordinance Revisions

Revisions to local shoreland zoning ordinances were adopted by the following coastal towns during the period 4/82 - 9/83.

<u>Town</u>	<u>Date</u>	<u>Nature of Revision</u>
Arrowsic	6/24/82	Numerous; including marinas, prohibition of topsoil removal, setback from wetlands. <i>Good</i>
Vinalhaven	7/7/82	Allowances for more than one dwelling unit/parcel <i>how much?</i>
Georgetown	7/19/82	Amended General Development District Zone
Owls Head	8/18/82	Added provision for cluster development to commercial zone.
Lincolntonville	8/30/82	Refined setback requirements.
Old Orchard Beach	9/1/82	Adopted new ordinance.
Blue Hill	3/8/83	Amended resource protection district zone.
Cranberry Isles	3/14/83	Added standards for clearing vegetation.

### SECTION 3

#### Wetland & Estuary Report

Although work on the Estuarine Sanctuary in Wells is not an eligible grant activity, it is an important coastal activity. Work on the sanctuary can be divided into the following categories:

#### 1. Acquisition

##### A. Appraisals

During the period NOAA requested a review appraisal be performed to reconcile the differences between the three appraisals completed on the sanctuary property. The Maine State Planning Office entered into a Memorandum of Agreement with the Department of Transportation (DOT) to perform the review appraisal. In August the Department of Transportation completed their analysis of the appraisals and determined the value of the property was \$2 million dollars. Their determination was within 8% of the two appraisals completed for the town. (The third appraisal, performed for the owners, was determined to be of limited value in the negotiations.)

##### B. Land Negotiation

The Lord-Taylor heirs determined what parcels of the Laudholm Farm they wanted to retain and worked with their lawyers on what development rights they would retain for those parcels. The town has also worked on the easements they will allow on the property.

A purchase and sales agreement is drafted and will be available for signing soon.

##### C. Acquisition Plan

A draft acquisition plan was submitted to NOAA on June 16, 1983 and a second plan on October 12, 1983.

#### 2. Fund Raising

- A. Though not an eligible NOAA expense, fund raising is a major part of the Wells Sanctuary Project at this time.

The campaign organization has been completed except for the position of chairman. The Laudholm Trust, the principal fund raising group, is actively seeking a chairperson at this time.

The members of the Trust have divided into groups which are assigned to York, Kennebunk, Kennebunkport, Ogunquit, Wells, and Drakes Island. Each group is responsible for solicitations within their assigned town.

Three major fund raising events were completed in September:

- a) Dinner/dance in Ogunquit on September 30th (\$50/plate).
- b) Art opening in mid-September.
- c) Benefit concert on September 17 with Gordon Bock.

The membership in the Trust is now up to 425 members with contributions by each member ranging from \$5 to \$1,000.

The two primary tools for fund raising; the audio-visual program and case statement are completed and are now being used to solicit funds.

The campaign fund raiser, hired by the Trust to organize the campaign, is drafting a campaign manual which members of the Trust can use in soliciting funds. The manual describes how to approach a potential donator, how to solicit a contribution, and how to follow-up with that donation.

At this time the Trust has received more than \$500,000 in property contributions, cash donations, and pledges.

### 3. Management

- A. The third draft of the Memorandum of Understanding (MOU) between the Town and the U.S. Fish & Wildlife Service is completed, however, U.S. Fish & Wildlife and NOAA still disagree on its contents.
- B. The fourth draft of the MOU between the Town and the State Bureau of Parks & Recreation is now before the State for review and approval.
- C. The draft sanctuary management plan (SMP) was submitted to NOAA for review on March 30, 1983. NOAA reviewed the plan and responded with comments on July 26, 1983. The lengthy review period consumed a critical length of time for the Trust.

The Southern Maine Regional Planning Commission revised the SMP in October and is awaiting comments from NOAA and Fish & Wildlife.

4. Administration

- A. The town and the State have signed a contract for \$540,000. These funds will be used to support the Southern Maine Regional Planning Commission's preparation of the SMP and the two MOUs as well as purchasing Phase I of the property.
- B. The State Planning Office received approval of a supplemental application for \$200,000 in September.

5. Other

- A. The Laudholm Farm has been nominated at the State level for inclusion on the National Register of Historic Places. The Trust expects to learn of whether the farm was placed on the Register by late fall.

#### SECTION 4

##### Fisheries Management Activities

The two major coastal program related fisheries activities pertain to the clam flat pollution abatement project and the fish pier development program. Each of these activities are reported in detail in other sections of this report.

Clam Flat Pollution Abatement - Section I - Task 6  
Fish Pier Development Program - Section VI

## SECTION 5 - Hazard Management Activities

### Coastal Barriers

The Coastal Barrier Resource Act required the Department of Interior to provide an opportunity for states and other interested persons to propose minor and technical boundary modifications to the barrier beach units designated as part of the Coastal Barrier Resources System.

As a result of Maine's proposals, the boundaries of two of Maine's units - Bailey's Mistake and Popplestone Beach - were extended to include landward aquatic habitats located just behind the beach portion of these two barrier systems.

Coastal Program staff continue to provide information to DOI and other federal agencies to administer the CBRA, including an inventory of already protected, undeveloped barrier beaches.

### Flood Hazard Management

The Flood Insurance Coordinator worked extensively with the coastal towns of York County as they converted from the Emergency to Regular Phase of the National Flood Insurance Program (NFIP). Numerous evening meetings were held with town and regional officials to develop ordinances, review preliminary flood zone maps, and educate local citizens. These towns expect to complete the conversion phase by January, 1984.

Studies, based on a model to estimate wave heights during coastal storms, are being done for the coastal towns in Cumberland County and will be completed this year. When all data is compiled, conversion to the Regular Phase of the NFIP will begin for these towns.

In March, the Flood Insurance Coordinator worked with the Maine Department of Environmental Protection (DEP) on the redrafting of proposed Sand Dune Regulations. Flood zones delineated by the NFIP were used in the dune regulations. Under the approved regulation, no new construction is allowed in V-zones as delineated on Flood Insurance Rate Maps (FIRM's). The Coordinator also participated in the public hearing and workshop on the sand dune regulations.

All applications for development received by the DEP under the Alteration of Coastal Wetlands Act are now routinely sent to the Flood Insurance Coordinator for his/her review and approval. The Coordinator continues to review all major development proposals throughout the coastal area from a flood hazard perspective. This year ten new or continuing Community Development Block Grants were awarded for projects in coastal towns. All have been reviewed and in those cases where a potential coastal hazard may exist, the town has been contacted and project alterations were made.

Flood Insurance Studies have begun in the coastal towns of Bath, Phippsburg, and Boothbay. These studies will be completed in two years.

*How many towns are completed?*

## SECTION 6

### Urban Waterfronts, Commercial and Recreational Harbor Projects

This section highlights the status and accomplishments of waterfront and harbor projects undertaken during the reporting period.

#### Waterfront Development

Thirteen communities undertook waterfront development projects with coastal funds. Three of these communities, Eastport, Stonington, and Portland are very active in new fish pier construction, and supported activities related to pier construction and overall coordination of harbor development.

Eastport conducted a marketing and feasibility study for expanding its cargo handling capacity. Eastport is now the second largest break-bulk port in Maine. Recently, Congress approved a bill submitted by Senator Mitchell transferring ownership of a breakwater facility in Eastport from the Army Corps to the City. This action was followed by State appropriation of funds to improve and expand the facility for cargo handling.

Georgetown conducted a feasibility study for waterfront improvements at 'Five Islands'. Recommendations for improvements to several town owned waterfront buildings will be voted on at a special town meeting in November, 1983.

Portland is very active in coordinating major harbor improvements, including the new Bath Iron Works shipbuilding facility, the new fish pier and related facilities, and the new Merrill Pier facility.

A listing of waterfront planning projects underway and supported with Coastal funds is included in Section I - II under the heading of Ports, Harbors and Developed Waterfronts.

#### Harbor Improvements

Twelve communities are undertaking commercial and/or recreational harbor improvement projects this year.

Notable activities during the period include the successful coordination between the town of Stonington, the State, the Army Corps of Engineers and the Congressional delegation in financing the \$1.9 million dredging project in Stonington Harbor. This dredging is vital to the successful use and operation of the fish pier to be built with local, state and EDA funds. Planning for Stonington's fish pier was first initiated with coastal funds in 1978.

Seven communities in the greater Portland area joined together in a project to identify berthing needs and recommend ways to improve and expand berthing capacity. Additional harbor improvement projects are listed in Section I-II.



## Fisheries Development

The following chart summarizes the present status of fish pier development projects in the State of Maine.

### Fish Pier Final Design and Construction

Status 7/83

Portland	Total	\$ 14,680,865	Phase I in operation: general
	EDA	7,500,000	berthing, fuel and ice available.
	State	5,460,865	
	Local	1,720,000	
Kennebunkport	Total	\$ 400,000	Project successfully completed,
	State	280,000	town operates pier.
	Local	120,000	
Rockland	Total	\$ 1,250,000	City is investigating an alternate
	EDA	500,000	pier site. Construction expected
	State	600,000	in 1984.
	Local	150,000	
Vinalhaven	Total	\$ 160,000	Fish plant in operation, providing
	State	128,000	72 jobs.
	Local	32,000	
Stonington	Total	\$ 2,020,000	Project under construction.
	EDA	820,000	
	State	960,000	
	Local	240,000	
Eastport	Total	\$ 1,200,000	Pier construction underway.
	EDA	---	
	State	960,000	
	Local	240,000	
Saco	Total	\$ 55,000	Project successfully completed.
	EDA	---	
	State	44,000	
	Local	11,000	
All Projects	Total	\$ 19,765,865	
	EDA	8,820,000	
	State	8,432,865	
	Local	2,573,000	

## Bath Iron Works Portland Expansion

**Project Description:** The Bath Iron Works Portland expansion project entails construction of a new ship repair and overhaul facility adjacent to and including the east side of the Maine State Pier. The development area consists of approximately 8 acres of land, 4 acres of wharf area, and 50 acres of harbor.

Bath Iron Works (BIW) will completely rehabilitate the site, including improvements to the existing State pier, construction of a new finger pier, utility tunnels, offices and parking. BIW will lease from the State of Maine the massive drydock associated with the facility. This Advanced Floating Drydock Base (AFDB3) is 900 feet long overall, 250 feet wide, and has an 84,000 ton lift capacity. It was designed and built for the U.S. Navy to handle Iowa class destroyers during World War II.

Approximately 625,000 cubic yards of material will have to be dredged from the harbor bottom to accommodate the new facilities. Areas near the existing State Pier and proposed finger pier leading to the drydock will be dredged between 15 to 35 feet of mean low water. The area beneath and around the drydock will be dredged to a depth of 65 feet below mean low water. This considerable depth is necessary because the dock must submerge in order to load and off load vessels.

The vast majority of the dredged material is to be disposed at an approved oceansite, while 50,000 cy will be placed in a 1.6 acre containment area adjacent to the State Pier.

Funding for this major waterfront development is being shared equally by the City of Portland, the State of Maine and BIW. Both the City and State approved \$15 million bond issues which are used to support the project. The State has transferred ownership of the State Pier and the pier site to the City, which in turn is leasing the site and the eastern half of the State Pier to BIW. The City's Waterfront Committee and Planning Department are exploring the feasibility of establishing a public landing and waterfront park on the western half of the pier. The feasibility of relocating the Casco Bay Lines Ferry terminal at the site is also being explored.

All of these site improvements represent a significant improvement to waterfront facilities and a major economic development to the state and region.

**Early Coordination:** The Bath Iron Works' proposal to expand their operations to the Portland waterfront involved considerable early coordination efforts on the part of the BIW, local, State and Federal agencies. Several preapplication meetings were attended by representatives of the BIW and various state and federal agencies. A major issue centered on where dredged materials should be disposed. Analysis of the material to be dredge was conducted by BIW and reviewed by State and Federal agencies. These agencies concluded that the majority of the dredge material was suitable for ocean disposal, but that the most contaminated sediment (approximately 50,000 cubic yards) would be more stable if it were

placed in 1.6 acre containment area adjacent to the former State Pier. The majority of the agencies concluded that there will not be significant adverse effects to filling this area. Other impact mitigation addressed while reviewing the preliminary proposal included traffic and noise along the waterfront. Following the preapplication work, BIW filed for state and Federal permits on the joint wetlands application developed by DEP and ACE.

**Public Hearing:** The Board of Environmental Protection held a hearing on the project on May 13, 1982 at which time questions on traffic flow and noise effects were raised. These issues were addressed by the Board in its order on June 9, 1982 approving the project. Conditions were attached to the permit requiring final design plans for the project entrance, and either a revised traffic study, or a restriction that the first shift start no later than 7:00 a.m. An additional condition was attached which required that a noise survey be conducted and that a plan be developed for limiting the volume of noise reaching the adjacent residential neighborhood on Munjoy Hill. A program for noise monitoring was developed by BIW to allow both the Department and the applicant to determine if the noise standards are being met.

**Permit Tracking:** Early and effective coordination between BIW and local, state and federal regulatory agencies was a key factor in expediting project review and permit processing. The SPO tracked each permit application through its processing. Wherever possible, the SPO assisted in assuring that there were no avoidable delays. Examples of delays which were avoided are:

- a. **Public Hearing Transcript Delays** - Getting the complete written transcript from the State's court reporter for the DEP public hearings can take several months due to unavoidable backlogs. Special arrangements were made to allow BIW to hire its own court reporter for the public hearing held by DEP, which resulted in a time savings of 4-6 weeks in processing the DEP permits.
- b. **Information Transfer Delays** - By closely tracking the status of application processing, numerous minor delays were avoided and an estimated 2-3 weeks of time was saved. Mailing delays were avoided whenever possible by direct delivery and pickup of applications, additional information, and permits. Tracking the Army Corps permit application was particularly beneficial.

#### Current Construction Status

- a. Dredging is complete.
- b. Renovations at State Pier completed.
- c. Extension of State Pier is completed and installation of a new apron is 90% complete.
- d. Utility tunnel at site is installed, 80% of utilities are installed.
- e. Flammable storage building is 35% complete.
- f. Construction begun on access pier to dry dock.
- g. Three sections to dry dock are at the site, six remain in Boston, to arrive this spring once the seas calm. (Dry dock is 900' long with outriggers and will have two 30 ton cranes on each wing wall.)
- h. Containment area walls are built, containment area 1/3 filled.

## SECTION 7

### Coastal Access Activities

Ten communities undertook access activities with Coastal Program support. The communities and nature of their activities are:

<u>Town</u>	<u>Activity</u>
Wells	19 sites studies, purchase or eminent domain proceedings completed, underway, or planned for all 19 sites.
Biddeford	11 sites studies
Ogunquit	4 sites studies
York	7 sites studies
Kennebunk	2 sites studies
Old Orchard Beach	5 sites studies
Cape Elizabeth	Visual access study of entire shoreline in town.
Brewer	Access strategies along Penobscot River developed.
Hallowell	Access considered as part of overall waterfront plan.
Gardiner	Access improvements at public landing planned and underway.
South Portland	Access to Clark's Pond currently under negotiation.

Description of these projects are highlighted below and in project summaries in Section I-II. See also Section 1-1. Special projects for a report on the survey of coastal access issues.

#### Wells

The Town undertook the acquisition of 19 access sites ranging in width from about four to twenty feet. (Survey maps are coming.) Ten sites have been acquired by the town by negotiated purchase; 2 sites are in process of being taken by eminent domain (ED) as often efforts to acquire them through negotiated purchase were unsuccessful; the Town Council has authorized taking of more sites by ED. The town has fractional part ownership of the 3 remaining sites; the Town Council is about to decide whether to acquire the fractions not owned by the Town with additional ED proceedings.

Biddeford, Ogunquit, York, Kennebunk, Old Orchard Beach

Extensive deed research was undertaken on about 30 locations where there was a possibility that public rights of access once existed. To date, none of these has turned out to provide public rights of access at the present time.

The project has provided an essential baseline of legal information for five coastal communities on the status of public access. It has provided a stimulus for bringing the issue before each town's governing body, and has raised public awareness of the constraints on public access. For example, numerous land owners and tenants in the area of Biddeford known as Hills Beach have petitioned the City Council to provide additional rights of way to the beach for local and seasonal residents.

Cape Elizabeth

This project addresses the issue of access with emphasis on visual rather than physical access across private property toward the shore and ocean. By analyzing the effects of setbacks varying in relation to the relief of the topography, the Town can design controls to prevent the blocking of visual access from public ways by new residential construction.

(1201)  
289-3261

## SECTION 8

### Permit Procedure Simplification

#### Department of Environmental Protection Core Laws:

The Maine DEP was recently reviewed by two outside groups to see if permitting procedures could be streamlined and improved. The two groups were the Governor's Citizens Committee and the Maine Development Foundation.

In response to recommendations of these two groups the DEP Commissioner appointed a Task Force to make a comprehensive review of the application/regulations process and procedures followed for DEP permits.

The Task Force's study and recommendations were received and accepted by the Commissioner on April 15, 1983. The Executive Summary of the Task Force's recommendations and the schedule for implementing changes are included in this Section.

#### Joint State/Army Corps Permit Application:

This joint permit application is a result of earlier Coastal Program efforts to streamline the application process required when an activity in coastal wetlands requires both state and federal permits. The joint application avoids the necessity to file both a state DEP Alteration of Coastal Wetlands and an Army Corps 404-10 permit application.

Use of this joint permit application continued during the reporting period. Before the joint application was available, an applicant was often not aware that two permits were required until after he/she was notified by either the DEP or the Corps. The applicant then had to request the other application, complete it, and send it to the agency. Oftentimes, this resulted in a 10-20 day delay.

#### One-stop Permitting and Review for Hydropower Projects:

In June, the Legislature approved and the Governor signed a new statute creating a comprehensive, one-stop permit procedure for all hydropower projects in Maine. The new "Maine Waterway Conservation and Development Act" (38 MRSA Sections 630-636) took effect in September. Under this law, the Board of Environmental Protection will have authority to issue permits for hydropower projects in the organized portions of the State, while the Land Use Regulation Commission (LURC) will hold this authority in the State's unorganized territory. Both the DEP and LURC have begun to develop rules under the new law.

In addition, the Legislature approved and the Governor signed the "Maine Dam Inspection, Registration and Abandonment Act" (38 MRSA Sections 815-818, 820-831, 835-837, and 840-842). This law transfers the authority for these responsibilities from the Department of Agriculture, Food & Rural Resources to the DEP. The new law also updates and clarifies both public and private roles in meeting these responsibilities. The DEP has begun to develop rules under this law, and a computerized record keeping system.

## EXECUTIVE SUMMARY

At the direction of Commissioner Henry E. Warren, an in-house Applications Task Force was formed in September of 1982 with responsibility for evaluating the Department's application procedures and making recommendations for change.

Over the past seven months, the Task Force has analyzed the processing of all types of applications handled by the Department and has reviewed DEP's administrative and environmental statutes and regulations.

The Task Force has concluded that a number of statutory, regulatory, and procedural changes will improve the predictability and workability of the application process within the context of existing environmental laws. These changes are embodied in the recommendations that follow.

### RECOMMENDATIONS

1. The Department should publish and periodically update informational booklets (such as "Protecting Your Lake," "Cleaning Up The Water," LURC's "Land Use Handbook" Series) on each of the statutes administered by the Department that present, at a minimum, (a) the statute and applicable DEP Regulations, and (b) a narrative that explains the law and the regulations and that educates the reader on applicable environmental issues.
2. An application form should exist for every permit, license, certification or approval that the Board and Department have authority under federal or state law to grant. The Department should review all existing application forms and develop revised forms and new forms, as necessary, that are geared to the information needs of the staff pursuant to (a) the approval criteria of the relevant statute and (b) the nature of the proposed project. These forms should address the specific informational requirements associated with identifiable classes of projects (i.e., sanitary landfills, coal boilers, hydropower developments). Applications should be accompanied by adequate guidelines that describe in detail the formal and informal aspects of the permitting process and give direction in the preparation of an application.
3. The Department should prepare and update as necessary comprehensive summaries of each of our statutes that provide an up-to-date description of the legal, judicial, and administrative histories and status of these statutes. Such summaries should incorporate explanations of the following: interpretive Board/Department policies and administrative procedures; interpretive opinions from the Attorney General's office ; and relevant court cases.
4. The Department should adopt a standard public notice requirement for all applications. This notice requirement should incorporate any applicable Federal notice requirements. The Department's processing regulations should be revised to incorporate the new standard requirement. The regulation should specify the applicant's responsibility for providing public notice, the content of the notice, the parties to be notified, and the proof of compliance required (see Appendix D).

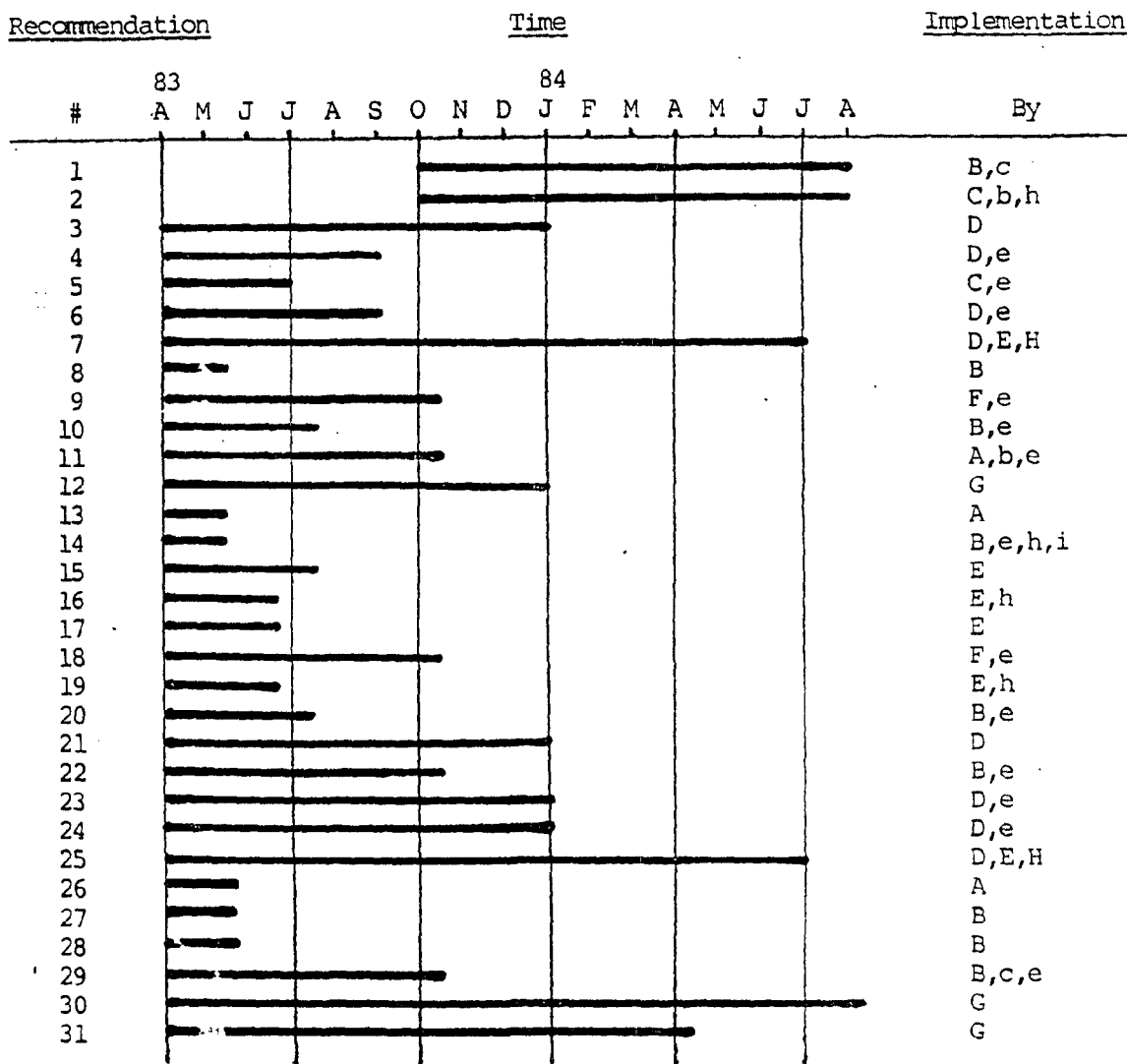
5. The Department should develop procedures to encourage the use and increase the value of preapplication communications. These procedures should include (a) staff training in the use and value of preapplication communications, (b) active publicizing by the Division of Public Assistance of the availability of preapplication assistance, and (c) the issuing of policies establishing a mandatory preapplication conference process for identified classes of projects (see Appendices E and F).
6. The Department should adopt a standard procedure for reviewing all applications to determine acceptance for processing. The Department's processing regulations should be revised to incorporate a definition of "acceptability for processing," a timetable for acceptance procedures, and a notification procedure (see Appendix G).
7. The Department should adopt a standard system for the logging and tracking of all applications. This system should utilize the in-place word processing system. The logging/tracking system records should be updated frequently to provide information on the status of all applications with a minimum of lag time. The system should be designed to generate periodic reports for managers on the status of applications and summary reports on permitting activities. The system should automatically flag projects for which any target processing deadline has passed, thus alerting management to the fact that an application is off-schedule (see Recommendation 26).
8. Every application received by the Department should be assigned by management to a staff member who shall serve as the project manager for the application. The project manager should be responsible for: the review of an application to determine acceptability for processing; the management of the review process, including the management of all staff contacts with the applicant, the public; and the preparation and presentation of Findings of Fact and Order on the project.
9. A comprehensive training program should be instituted to better train project managers in the law, the Department's regulations, and in their responsibilities in managing the review process.
10. The role of technical staff in reviewing applications and commenting to project managers should be defined for each class of applications and/or projects. Such in-house technical expertise as is available should be employed to assist project managers in determining the environmental impacts of projects.
11. The role of other state agencies in reviewing applications and commenting to project managers should be better defined for each class of applications and/or projects. Such technical expertise as is available within state government should be employed to assist project managers in determining the environmental impacts of projects. Written inter-agency agreements should be promulgated that define the roles and responsibilities of reviewing agencies (see Appendix H).



12. The Application Task Force should continue to study and make future recommendations concerning the role of all third parties in the review process.
13. A Findings of Fact and Order should be prepared for decisions made by the Board or Commissioner on applications found acceptable for processing, unless the application is withdrawn by the applicant.
14. The Department should adopt a standard format for all Findings of Fact and Order. This format should include: a statement of facts, including project description; a statement of conclusions based upon the facts; and a statement of action and the terms and conditions, if any, of that action. FFO's should be able to stand on their own as comprehensive and comprehensible legal documents (See Appendix I).
15. A draft Finding of Facts and Order should be prepared for all applications not processed under permit by rule or general permit procedures and made available to the applicant, management, interested members of the public, and, where appropriate, legal staff and review agencies, for review and comment. A final draft FFO should then be prepared for submission to the Board or Commissioner. This may require a longer processing time to facilitate a better understood and more predictable outcome.
16. The following information should be provided to the Board or Commissioner on every application, except for applications processed under permit by rule or general permit procedures, considered: a summary which includes decision-making criteria, an identification of outstanding issues, staff recommendation, and precedents; a Finding of Fact and Order; exhibits (i.e., pictures, project drawings); and a summary sheet of comments of review agencies (see Appendix J).
17. In presenting a project to the Board, the staff should focus on any unresolved issues existing between the staff and the applicant, the public, or review agencies. Staff should be prepared to address any questions that the Board, the legal staff, or the Commissioner might raise.
18. A comprehensive training program should be instituted to improve the skills of the project managers in the preparation and drafting of Findings of Fact and Order and in the presentation of recommendations to the Board.
19. All special conditions of permit/license approvals should be clearly written and should contain schedules for compliance that are environmentally appropriate. In all instances where the submission of additional plans or data for review and approval is required by condition, the compliance schedule should specify a calendar deadline for such submissions.
20. All permit/license conditions should be explained to successful applicants through improved exit communications. These communications should include formal exit conferences and/or pre-construction conferences for identified classes of projects.

21. The Department should seek to have the Legislature amend as appropriate the DEP Administrative Authority statute and the environmental laws administered by the Department to establish a consistent and realistic timetable for regulatory action. The Board or Commissioner shall take action within the statutory time limit to either: approve an application; deny an application; schedule an application to public hearing; or waive the time limit as provided by statute.
22. The Department should develop and institute a target timetable for the completion of the process of application review and permitting action. This target timetable should be applied to all application reviews, except for those applications subject to permit by rule or general permit procedures (see Appendix K).
23. The Department should expand, to the maximum extent possible, regulations establishing permit by rule or general permits for classes of activities that are determined to have no significant impact on the environment when properly executed, and should institute an appropriately reduced review process and target timetable for review and action on applications for these activities (see Appendix L).
24. The Department and the Board should review the permitting authority that is currently delegated to staff and should revise and expand this delegated authority to expedite the permitting process and reduce the number of applications requiring Board action.
25. All logging/tracking system records should be easily accessible to Directors of the Licensing Divisions; the Public Assistance Division; Bureau Directors; the Deputy Commissioner; and the Commissioner.
26. Any changes in the initial target schedule for the processing of an application that may delay permitting action should be reviewed and approved by the appropriate Division Director or supervisor.
27. Operational policies should be developed whereby the appropriate manager(s) is(are) notified by the staff of situations that are outside the scope of established policies, procedures, precedents, or regulations.
28. Operational policies should be developed whereby the appropriate manager(s) review(s) and approve(s) all draft jurisdictional rulings and draft Findings of Fact and Order.
29. A formal procedure for conflict resolution should be developed and instituted for use by applicants, staff, management, and other interested parties (see Appendix M).
30. The Applications Task Force, through its Chairman, should monitor and advise the Commissioner regarding the implementation of this Report.
31. The Applications Task Force should continue to evaluate the application process, particularly in light of the implementation of this Report, and should make such additional recommendations for change as it deems appropriate.

# IMPLEMENTATION SCHEDULE



## KEY

### Primary Responsibility

A	Commissioner
B	Bureau Directors/Policy Team
C	Div. of Public Assistance
D	Div. of Management & Planning
E	Division Directors (Licensing)
F	DEP Training Advisory Council
G	DEP Applications Task Force
H	Div. of Computer Services
I	Attorney General's Office

### Advise and Assist

a
b
c
d
e
f
g
h
i

## SECTION 9

### Cultural Resources

The Town of York was funded through the Local Projects program to prepare a York Historic Preservation Ordinance. Article 1. "Purpose" of the preliminary draft ordinance reads as follows:

#### Article 1. Purpose

The purpose of this ordinance is to provide a legal framework within which the residents of the Town of York can safeguard the historic, architectural, and cultural heritage of the community, while encouraging new construction as long as it is compatible with the old structures. The Town feels intensified growth pressures could bring about destruction of buildings which serve to give beauty and pleasure to residents, attract visitors and new residents, give the Town a particular character, and educate the community about its past. Once destroyed, that architectural history cannot be replaced. To prevent such a loss this ordinance endeavors to:

1. Protect the outward appearance and exterior details of structures within designated districts, without curtailing their use;
2. Prevent demolition or removal of significant historic structures wherever possible;
3. Preserve relationships of groups of buildings; and
4. Encourage new construction which complements historically significant areas within the Town.

The ordinance provides for the formation of an Historic District Commission with the authority to review all proposals for construction/demolition work in designated historic districts, and to issue a Certificate of Appropriations with detailed specifications and conditions as a prerequisite for altering or constructing buildings within a district. The ordinance is enforced in the manner of other town ordinances by the Town Code Enforcement Officers.

## SECTION 10

### Coastal Energy Impact Program Report

Maine's Coastal Energy Impact Program and the Coastal Program are administered by the Policy Division of the State Planning Office. The CEIP has several active projects (see below) and is awaiting approval by OCRM of several new projects.

<u>Recipient/Project</u>	<u>Status</u>
DEP/Hydropower Coordinator	This grant to the DEP expires in October. The position is now supported with State funds.
DOT/Coal Impact Study	The formal study is complete. The Office of Energy Resources is working with the Bureau of Public Improvements to implement one of the study's recommendations.
SPO/Tidal Power Study	The Office of Energy Resources completed a draft report and is currently revising it.
Bigelow Laboratory/ Fundy Tidal Power	See full project description in Section I - Task 5.
SPO/OCS review	The state's OCS program is a very active one. The state is currently getting prepared for lease sale 52.
DMR/Marine Resource Inventory	The Department of Marine Resources completed their project and is preparing the final graphics.
SPO/Program Administration	Program staff continues to provide technical assistance to the public and other state agencies including the Governor's Office.

*status 76*

SECTION 11

New Memoranda of Understanding

No new Memoranda of Understanding were prepared during the period.

## SECTION 12

### Coordination and Administration of Federal Review Process

This section summarizes federal consistency reviews and state coordination in reviewing federal activities.

Major activities reported in this section include:

- A. General consistency reviews of federal activities and federally assisted or permitted activities.
- B. OCS reviews.
- C. Army Corps State Program General Permit.
- D. Army Corps Regulation Reforms.
- E. Consistency Log.

#### A. General Consistency Reviews

The State Planning Office continued coordinating consistency reviews with DEP staff assistance. Regular reviews of the A-95 weekly bulletin were conducted and applicants were notified whenever Core Law Permits were required.

Below is a list of notable federal activities reviewed for consistency with Maine's Coastal Program.

#### U.S. Army Corps

- Shoreline stabilization in Islesboro (325 linear foot rip-rap), 10/82, consistent
- Beach erosion control at Willard Beach, So. Portland (52,000 cu. ft. of sandfill, 175 foot groin, 200 linear foot revetment), 10/82, consistent
- Shoreline stabilization at Fort Pentagoet, Castine (200 linear foot revetment), 10/82, consistent
- Dredging improvement project, Stonington (47,000 cu. yds., open water disposal), 12/82, consistent
- State Program, general permit, 10/82, consistent
- Dredging project, Kennebunk, (ledge removal in channel), 2/83, consistent
- Shoreline stabilization, Lubec, (200 linear foot revetment), 7/83, consistent

- Dredging project in Lawrence Cove, Bucksport (70,000 cu. yds, open water disposal), 9/83, consistent
- Dredging project in Piscataqua River, Kittery (10,000 cu. yds, open water disposal), 10/83, consistent

#### U.S. Coast Guard

- Installation of 120 foot RHON tower at Bass Harbor Head Light Station adjacent to Acadia Park. 7/83, consistent

#### FERC

- West Finfield Hydro Project, Penobscot River FERC # 2600, 11/82, consistent
- East Machias Hydro Project, Machias River FERC #3688, 3/82, Not consistent

#### B. OCS Reviews

The principal review activities for offshore oil-related developments were the review of the proposed notice of sale and final Environmental Impact Statement for Lease Sale 52, which was scheduled to take place in April, 1983. The State Planning Office with the assistance of the Department of Environmental Protection prepared comments for the Governor under the OCS Lands Act, and the State Planning Office also issued a finding of consistency for the Lease Sale. This Sale was enjoined by federal courts pursuant to a law suit brought by the Commonwealth of Massachusetts and the Conservation Law Foundation.

Other activities under the state OCS program included preparing comments for the call for information and reviewing the draft and final EIS for the Spring, 1984 Lease Offering. Regular participation in the OCS Advisory Board's Policy Committee and North Atlantic Regional Technical Working Group was also a part of the OCS activities.

#### C. Army Corps State Program General Permit

On September 24th, 1982 the Army Corps proposed a State Program General Permit for Maine. Numerous meetings were held between state agencies and the Army Corps to refine the draft permit.

A major concern addressed in revising the permit was excluding any activity adequately regulated by State agencies. The Corps revised their proposal to address this concern, particularly with regard to activities in inland wetlands which the state does not regulate.



Other refinements in definitions included in the proposed permit and coordination were also made.

The Corps issued the General Permit for Maine on May 19, 1983. In order to insure that the Corps adequately monitors activities to assure compliance with the General Permit, Corps staff make monthly visits to review State agency project files.

To date, the Corps' General Permit for Maine appears to be working smoothly.

#### D. Army Corps Regulatory Reforms

On May 12, 1983 the Corps proposed to amend their regulations for controlling certain activities in U.S. waters.

Maine state agencies carefully reviewed the Corps proposal, and coordinated closely with other New England states through the New England Governors' Conference.

On September 1, 1983, the New England Division Engineer and other Corps staff met with state representatives in Augusta. The purpose of the meeting was to discuss the proposed reforms and state concerns with them.

On September 16, the State responded to the Corps proposal and asked that several changes be made. Maine also requested that the Corps republish the revised regulations prior to making them final. A copy of the State's comments are included in this Section.

Maine is presently finalizing its Water Quality Certification and Consistency reviews of these proposed reforms.

08d

# CONSISTENCY LOG

<u>Issue/Activity</u>	<u>Date</u>	<u>Agency</u>	<u>Subject</u>
Beach Erosion - Corps	1/5/83	SPO, DEP, AG	Meeting regarding Willard Beach
A-95	1/10	SPO	A-95 Review*
Beach Erosion	1/11	City of Portland	Set-up Willard Beach meeting
State Program, General Permit (G.P.)	1/20	SPO, Historic Preservation	Discussed Corps General Permit
Beach Erosion	1/20	Corps, SPO, DEP So. Portland	Meeting regarding Willard Beach in South Portland
State Program, G.P.	1/28	State agencies	Meeting in Augusta regarding state program general permit.
OCS	2/18/83	SPO	Lease Sale #52
OCS	2/23	SPO	Lease Sale #82 Meeting
A-95	2/24	SPO	A-95 review*
General Administration	3/2	SPO	Consistency Update
OCS	3/9	SDO, DEP, EPA, etc.	Biological Task Force Meeting
Dredging	3/15	New Hampshire, SPO	Piscataquis Dredge Project
OCS	3/17	DEP/Bowdoin	Heavy metals in drill muds - conference
Shoreline Erosion	3/21	SPO	Isleboro Corps Project
Waste Disposal	3/24	DEP, DMR, EPA	Dogfish disposal - consistency thereof.

<u>Issue/Activity</u>	<u>Date</u>	<u>Agency</u>	<u>Subject</u>
Executive Order #12372	4/4/83	SPO	Meeting in Boston with New England States, New England Governors' Conference, and OMB
Consistency	4/8	SPO, DMR	Consistency review - NMFS bluefish plan
A-95	4/11	SPO	A-95 review*
Executive Order #12372	4/14	SPO	Committee meeting to review A-95 replacement.
Waste disposal	4/15	EPA	N.A. Products - dogfish wastes
Consistency	4/18	SPO/DEP	Review of Coast Guard's proposed tower, Tremont
Waste disposal	4/21	SPO/AG	Review of Coast Guard's proposed tower, Tremont
State Program, G.P.	4/22	SPO, State agencies	Corps State Program General Permit
Waste disposal	4/26	SPO	The fishing/disposal project
State Program, G.P.	5/9	SPO, Corps	State Program General Permit
OCS	5/11-12	DEP, SPO, EPA, etc.	Biological Task Force Meeting
Consistency	5/16	U.S. Coast Guard	Cable work - Whitehead, Maine
Consistency	5/17	SPO, DEP, F&W, DMR	Proposed Corps regulatory reforms published 5/12
Dredging	5/18	SPO	Portland disposal site
Dredging	5/19	Corps, SPO	Meeting regarding consistency issues
Dredging	5/24	SPO, DMR	Portland disposal site
State Program, G.P.	6/9	SPO/Corps	State Program, General Permit
A-95	6/13	SPO	A-95 review

<u>Issue/Activity</u>	<u>Date</u>	<u>Agency</u>	<u>Subject</u>
Corps regulatory reform	6/20	SPO, State agencies, Corps	Discussed comments on Corps regulatory reforms
Corps " "	6/23	SPO, N.E.G.C.	Discussed proposed Corps' reforms
Consistency	6/28	SPO	Discussed proposed Corps project with Lubec Town Manager
Consistency	6/28	SPO, DEP	Discussed Corps project in Lubec
A-95	6/29	SPO	A-95 review
Consistency	7/12	SPO, DEP, Lubec	Discussed proposed Corps project
Consistency	7/27	SPO, DEP, DOT	Discussed proposed Corps Piscataqua River dredge project
A-95	7/28	SPO	A-95 review
Corps regulatory reforms	7/28	SPO, Corps	Discussed regulatory reforms
Executive Order #12372	8/3	SPO, N.E.G.C.	Discussed E.O. #12372
Consistency	8/10	SPO, DEP	Discussed Corps project in Kittery and Bucksport
Corps regulatory reforms	8/15	State agencies	Discussed Corps regulatory reforms
Corps " "	8/17	SPO, N.E.G.C.	Discussed Corps regulatory reforms
Executive Order #12372	8/18	SPO	Executive Order # 12372 Meeting
Corps regulatory reforms	8/19	SPO, Corps	Set-up meeting with Division Engineer
A-95	8/20	SPO	A-95 review

<u>Issue/Activity</u>	<u>Date</u>	<u>Agency</u>	<u>Subject</u>
A-95	8/22	SPO, State agencies	A-95 review
Corps regulatory reforms	9/1	State agencies, Corps	Meeting to discuss regulatory reforms
A-95	9/5	SPO	A-95 review
Corps regulatory reforms	9/6	SPO, State agencies	Discussed Corps reforms
Consistency	9/8	SPO	Discussed Corps dredging project with Bucksport Town Manager
A-95	9/16	SPO	A-95 review
Consistency	9/20	SPO, DEP	Discussed Corps dredging project in Kittery

\* A-95 review comments made 1/10, 1/24, 2/15, 2/16, 2/23, 3/8, 3/25, 4/11, 5/13, 5/26, 6/15.

SPO = State Planning Office  
AG = Attorney General  
DMR = Department of Marine Resources  
NEGC = New England Governors' Conference

DEP = Department of Environmental Portection  
EPA = Environmental Protection Agency  
DOT = Department of Transportation



STATE OF MAINE  
EXECUTIVE DEPARTMENT  
STATE PLANNING OFFICE

JOSEPH E. BRENNAN  
GOVERNOR

RICHARD E. BARRINGER  
DIRECTOR

September 16, 1983

C. E. Edgar III  
Deputy Director of Civil Works  
Office of the Chief of Engineers  
Attn: DAEN-CWO-N,  
Washington, D.C. 20314

Dear General Edgar,

This letter responds to your Department's request for state comments on the "Proposal to Amend Permit Regulations Controlling Certain Activities in the Waters of the United States", published in the Federal Register on May 12, 1983.

This Office coordinated the review of your proposal with other state agencies routinely involved with Corps regulatory programs, including the Departments of Environmental Protection, Marine Resources, Conservation, and Inland Fisheries & Wildlife.

We are concerned that the majority of the proposed substantive amendments appear to: 1) limit the Corps' ability or responsibility to effectively administer the Clean Water Act and the Ocean Dumping Act; or 2) diminish the opportunity for effective state coordination and review of Corps regulated activities.

We believe that many of the proposed changes are unnecessary and go well beyond recommendations of the Presidential Task Force on Regulatory Relief. Maine has worked closely and effectively with the New England Division to streamline procedures and avoid duplication in our regulatory roles. We have a joint permit application and, as you know, a recently approved Corps Statewide General Permit.

We feel that many of the proposed amendments to permit regulations would reduce, rather than improve, the effectiveness of our present cooperative effort.

In particular, we are concerned with the proposed amendments to the following sections:

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September 16, 1983  
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SECTION 320.4 (a) (1)

Public Interest Review

The revisions to this Section appear to reverse two key policies: 1) the presumption that dredge or fill activities are generally not in the public interest unless proven otherwise, and 2) the requirement for the applicant to provide the proof to rebutt this presumption. We interpret this revised section to presume that any dredge or fill activity is now considered to be in the public interest unless the Corps can prove that it is not.

We recommend that the proposed revisions not be made to this Section. We believe that such a change is unworkable because of the administrative burden it places on the Corps and other public agencies, and because it directly contradicts the Clean Water and Ocean Dumping Acts.

SECTION 320.4 (b)(5) and  
SECTION 320.4 (c)

Wetlands

The proposed changes to these sections appear to minimize the consideration to be given to state and federal agency fish and wildlife project reviews.

We recommend that these proposed revisions not be made. We consider these changes inconsistent with the Fish and Wildlife Coordination Act, and contrary to the review coordination practices established among Maine state agencies and federal agencies, including the Army Corps.

SECTION 320.4 (m)

Water Supply

This proposed change would preclude the Corps' full consideration of water conservation as a factor in the public interest review by removing the statement: "Full consideration will be given to water conservation as a factor in the public interest review."

We recommend that this proposed revision not be made. We feel that this change is inappropriate because water conservation is an important public issue and because there is a long-standing federal interest in water conservation.

SECTION 320.4 (p) and  
SECTION 320.4 (q)

Environmental & Economic Benefits

We recommend that this revision not be made. These proposed new sections discuss the potential for environmental and economic benefits of Corps permitted activities and generally provide that these benefits shall be considered when making the public interest determination. We feel that these two sections are too vague and provide no guidelines for quantifying benefits. Further, we believe it is inconsistent to consider economic benefits when reviewing a project for compliance with the Clean Water Act.

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page 3

SECTION 320.4 (r)

Mitigation

This new section dealing with the mitigation of adverse impacts is desirable; however, no procedures or standards for determining appropriate mitigation measures are provided.

We recommend the addition of language which gives the Corps objective guidelines for reviewing the adequacy of mitigation measures proposed by the applicant. Further, we feel strongly that mitigation should only be considered when the Corps determines that the impact cannot be reasonably avoided.

SECTION 325.2 (a)(6)

Processing applications

The proposed revisions to this section require documentation if a Corps permit is issued contrary to state or local decisions.

We ask that this section should require that any Corps permit which is contrary to state or local decisions include a condition clearly stating that the permittee is still required to receive state and local permits for the activity.

SECTION 325.2 (b)(1)(ii)

Permit Procedures - WQC

These proposed changes would remove the requirement that the Corps' request for water quality certification be made in accordance with the regulations of the certifying agency, and would shorten to 30 days the time period for acting upon a certification request.

We recommend that the proposed changes not be made to this Section. Adherence to state water quality certification regulations is a prerequisite to our ability to complete informed and timely reviews. The State of Maine makes every effort to conduct its environmental review and permitting as quickly as possible; however, in many cases 30 days is insufficient to make a water quality review and certification. For some of the more complicated projects, the maximum allowable time period of 6 months is necessary.

SECTION 325.2 (b)(2)(ii)

Permit Procedures - CZM

The revised section states that the district engineer will seek the state CZM agency's agreement that the absence of state comment during the public review period (30 days) constitutes concurrence with Corps consistency certification.



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We recommend that this revision not be made. Reflecting the same concerns expressed regarding water quality certifications in 325.2 (b) (1) (ii) above, 30 days is not sufficient time for a presumption of state concurrence with a Coastal Program consistency determination.

SECTION 325.2 (d) (4)

Processing Applications

The proposed change to this section deletes reference to a public notice and public comment period as part of the Corps' public interest determination for a permit application.

We oppose this deletion if it means that the division or district engineer may make a public interest determination on a project without properly notifying and soliciting public comment on the project.

SECTION 325.2 (e) (1) and  
SECTION 325.5 (b) (2)

Letters of Permission

Changes to these sections would allow the granting of letters of permission for Section 404 activities and would exempt public notice requirements for such activities.

We are concerned about adding 404 activities to those which may be covered by such letters of permission, as this may exempt from regular Corps' review certain activities not presently reviewed at the State or local level. We are also concerned about the lack of any provision in this Section for public notice prior to the issuance of a letter of permission. We prefer the original wording for this Section, published July 22, 1982, which does not allow Section 404 activities to be covered by letters of permission.

SECTION 328.3

Definitions

The proposed revisions appear to exclude too many important wetland types. It appears that a substantial percentage of wetlands currently covered by the Corps' regulation would be excluded under these new definitions.

We ask that the proposed revisions not be made to this Section. We believe it is in the national interest to insure that these wetland are covered by the Corps' regulations, and prefer the old definitions published in the July 22, 1982 Federal Register.

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#### NATIONWIDE PERMITS

SECTION 330.2 (c), 330.4 (a) (1)  
and 330.4 (a) (2)

#### Nationwide Permits

Changes to these sections would exclude natural lakes larger than 10 acres from coverage by existing nationwide permits #330.4 (a) (1) and (2). These nationwide permits allow discharges of dredge or fill material into certain non-tidal waters including wetlands.

We feel that this change is a step in the right direction; however, these permits still exclude from regular Corps review and permitting procedures activities in waterbodies and wetlands which are not regulated by the State of Maine. We feel that these nationwide permits, as presently written, contradict the understanding we reached in developing Maine's statewide General Permit #39. Regional conditions for these permits must be negotiated which adequately cover activities which the State does not regulate.

SECTION 330.9

#### State Water Quality Certification

This new Section describes the requirement of state 401 certification from certain applicants for nationwide permits, and provides for a 30-day state 401 certification review and response period.

We recommend that this Section not specify a 30 day limit, but rather provide for 'Memoranda of Understanding' with each state to insure a reasonable review period with each state. A 30-day limit for state 401 certification is insufficient for the reasons stated for in Section 325.2 (b) (1) (ii) above.

#### STATE REVIEW OF NATIONWIDE GENERAL PERMITS FOR WATER QUALITY CERTIFICATION AND CONSISTENCY WITH MAINE'S COASTAL PROGRAM CORE LAWS:

State agencies have not yet completed their reviews of these nationwide permits. In order to adequately review proposed permits 330.5 (a) (26) and (27) we request that an 'Environmental Assessment' and 'Statement of Findings' similar to those prepared for the other nationwide permits be submitted for our review. I shall be notifying you shortly concerning Water Quality Certification and consistency once these reviews are completed.

I hope these comments are useful as you revise the proposed regulatory reforms. I also appreciate the opportunity for my staff and other state agencies to review the proposed regulatory reforms with Colonel Sciple during

C. E. Edgar III  
September 16, 1983  
page 6

his recent visit to Augusta. Finally, in view of the magnitude of the concerns Maine appears to share with the other New England states, we ask that you consider republishing the regulations and soliciting review comments before they are finalized.

Sincerely,

Richard E. Barringer  
Director

REB/jd/aal

cc: Colonel Carl B. Sciple, NED COE  
Henry Warren, DEP  
Spencer Apollonio, DMR  
Richard Anderson, DOC  
Glen Manuel, IF&W

## SECTION 13

### Speaking Engagements/Public Presentations

The coastal staff participated in a variety of speaking engagements including a conference hosted by the Maine Audubon Society on Peatlands, a Critical Areas Program Rare Plant Conference, a TV show on the Critical Areas Program, a Public Hearing on the Bay of Fundy tidal power project, a regional meeting in Boston on Executive Order 12372 and its implications on the enforcement of Consistency in Maine, and a workshop on aerial information for land management.

At least 20 public meetings and presentations were completed on the Maine Rivers Program.

### Information Displays

Two State Planning Office coastal displays were prepared and exhibited during the period. A "Rivers" display was exhibited at L.L. Bean in Freeport, and a Critical Areas Program display was exhibited in the Maine State Library.

The State Planning Office prepared a 12 minute slideshow on Governor Brennan's Rivers Program. The show was used extensively during the period.

## SECTION 14

New Publications Report

<u>Date</u>	<u>Title</u>	<u>Copies</u>	<u>Pages</u>
1/4/83	Waterfront Revitalization and Development	10	53
1/13	SPO Report to Governor Brennan on Rivers	25	11
3/4	Maine's Coastal Program	10	74
4/25	Educational Brochures on the following:		
	o Mountain Laurel	2,500	1
	o Horseshoe Crab	2,500	1
	o American Oyster	2,500	1
	o Black Terns	2,500	1
	o Pogonia	2,500	1
	o Sassafras	2,500	1
	o Piping Plover	2,500	1
	o Common Eider	2,500	1
	o Terns	2,500	1
	o Orchids	2,500	1
	o Wading Birds	2,500	1
5/3	Precise - Rivers Policy	100	7
7/19	Preliminary Evaluation of Fundy Report	25	126
8/8/	CAP List of Publications 1975-1982	30	30
8/8	Old-Growth White Pine Stands in Maine	20	50
8/9	Long Term Protection of Maine's Critical Areas	10	85

SECTION 15

LCPs (not applicable to Maine)

## SECTION 16

### Changes to Coastal Zone Boundaries and Management Authority

During the period there were no changes made to Maine's coastal boundary (changes to Maine's Coastal Management Authority will be reported under separate cover). Some work has been initiated on a general permit with the Army Corps of Engineers and this is discussed in Section 12.

SECTION 17

Report on Changes in State's Management of Coastal Resources

During the past Legislative Session the Abandoned Dams Act, the hydropower one-stop permit, the Sand Dunes Law, and the Act to Promote the Wise Use and Management of Maine's Outstanding River Resources were all enacted into law. These are reported throughout the progress report and specific material is included in the appendix.

The submerged lands policy manual, as described in earlier progress reports, was completed. The Bureau of Public Lands will now work on a long range comprehensive plan for the use of the State's submerged lands.

The State approved and implemented a general permit with the Army Corps. This is discussed in Section 12.

Send copy!



## SECTION 18

### Major Coastal Issues

#### 1. Fundy Tidal Power

The proposed Canadian Tidal Power Project continues to be an important coastal issue. Three significant developments occurred during the reporting period.

- A. July 25, 1983 - Field hearing on the Senate Public Works and the Environment Committee. Senator Mitchell (D) of Maine held a hearing in Augusta to enter information on the project into the Committee's record. As a result of that hearing, legislation was introduced in the Senate requesting \$10 million for further study of the project.
- B. November 21, 1983 - Complex Systems Center - The University of New Hampshire sponsored a meeting of U.S. and Canadian scientists to discuss the project and to identify scientific research needs. (This meeting was a part of the larger Donner Foundation Project involving the Marine Law Institute of Southern Maine, University of New Hampshire and Delhousie University of Nova Scotia.)
- C. December 1, 1983 - New England Governors' Conference and NOAA's workshop on Fundy Tidal Power - A workshop was held in Boston to bring together government officials, the scientific community, and other interested parties to discuss the potential impacts of the project on the coastal zone.

### Port Development in Portland

With all necessary permits secured, Bath Iron Works expansion onto the Portland Waterfront has proceeded. Construction is now underway. More detailed information on the project is contained elsewhere in this progress report.

### Searsport Cargo Port Development

The preliminary engineering design and an environmental assessment were completed in August 1983. Environmental permit applications submitted during the summer were approved with conditions by the Board of Environmental Protection this fall. The Legislature approved a second port development bond issue, which the voters adopted on November 8. The Federal Highway Administration is expected to submit the proposal to the Army Corps of Engineers for permit review before the end of 1983.

## Rivers

Several initiatives, including new legislation, were completed during 1983. A new Maine Rivers Policy to resolve conflicts over the competing uses of the State's river resources is now in place. More detailed information on these initiatives is contained elsewhere in this progress report.

## Enforcement of Local Land Use Laws

The Legislature has established a special Commission on Local Land Use Violations to review and make recommendations for improving the enforcement of various statutes including the Mandatory Shoreland Zoning Law. This Commission has met throughout the fall, and has held three public hearings. It will report to the Legislature in January 1984.

## Wells National Estuarine Sanctuary

The State Planning Office and the Town of Wells are working cooperatively on establishing an estuarine sanctuary in the Town. Drafts of the numerous legal and programmatic requirements of the sanctuary program have been submitted to NOAA. The Town is working diligently on the fund raising effort.

The current grant to the State from NOAA expires on March 31, 1984. The State expects by that time to have a viable and operating sanctuary.

## Ground Water

The Governor has directed the Land & Water Resources Council to review the progress toward implementing the recommendations of the 1980 Commission of Ground Water Protection. The Council will also assess the needs for additional ground water research and for improving the coordination of the State's various ground water protection and management activities. The Council will report to the Governor during the spring of 1984.

## Water Supply


The State Planning Office is conducting a policy study on the availability and use of water in Maine. This report will provide an overview of the State's water resources and water usage, examine current problems and public policy issues associated with public water supply systems, and identify priorities for State action.

## OCS Activity Monitoring

The State will review new Georges Bank lease sales for coastal program consistency this winter.

Routine Program Implementation

Beginning in early 1983 the State Planning Office began a systematic evaluation of the changes made to the program's core laws since 1978. This process is drawing to a close and a draft report on the changes will be submitted to OCRM in early, 1984.



## SECTION 19

### Equal Opportunity Report

One award was made to a minority contractor. This was to Pleasant Point Indian Reservation for a Fish Plant Utilization study.

There are eleven women project managers of local projects. The Waterfront Coordinator for the Machias project is a female, as is the principal investigator for the York historic district project. Assistance to the Hampden's Planning Board is provided by a female RPC planner.

SECTION 20

Current Staffing Report

<u>Position Title</u>	<u>Person Filling Position</u>
Program Manager	David Keeley
Planner II	Robert Blakesley
Planner II	John DelVecchio
Planner II	vacant
Planning Supervisor	Harold Kimball
Clerk Steno III*	Aline A. Lachance
Clerk Steno II*	Lorraine Lessard
Senior Planner	Harry R. Tyler, Jr.
Project Position*	Lissa Widoff
Project Position*	Barbara Vickery

\* Female

GOVERNOR  
Joseph E. Brennan

STATE PLANNING OFFICE DIRECTOR  
Richard E. Barringer

David Keeley - Coastal Program Manager  
Coastal Energy Impact Program Manager  
CZM Program administration/coordination  
(budget, reports, work programs)

John DeVecchio - Planner II  
Federal Consistency Review  
Local Grant Administrator  
State Projects

Robert Blakesley - Planner II  
Policy Analysis  
Special Projects

Mark Sullivan - Planner II  
Writing, editing  
Policy Analysis  
Special Projects

Harry Tyler - Senior Planner  
Critical Areas Program Manager  
Natural resources inventory  
Data collection and dissemination

Harold Kimball - Planning Supervisor  
Local Grant Administration  
Preparation & distribution of technical assistance handbooks  
RPC contract administration  
Coastal barrier beaches/dunes

Lissa Widoff and  
Barbara Vickery (Project Positions)  
Critical Areas Program

Aline Lachance - Clerk Steno III  
Clerical support

Lorraine Lessard - Clerk Steno II  
Clerical support

(January 1, 1983 - December 30, 1983)

HISTORY OF THE DEVELOPMENT OF THE  
GOVERNOR'S RIVERS POLICIES

- February 1981 - Land and Water Resources Council Study. The Governor requested the Land & Water Resources Council to study the State's hydropower policy and regulatory framework and to recommend needed improvements. Interim recommendations were incorporated in the Governor's Energy Policy of June 1981.
- June 1981 - Governor's Energy Policy Issued. Directed the:
- o Land & Water Resources Council to prepare legislation to streamline hydro project review, and to improve the Neglected, Abandoned, and Inspection of Dams Acts;
  - o State fishery agencies to develop statewide fishery management plans, including policies on needed fish passage facilities; and
  - o Department of Conservation to identify river stretches that have unique natural or recreational values and to develop a strategy for protecting these areas.
- May 1982 - U.S. DOI/MDOC Maine Rivers Study Issued. The DOC simultaneously recommended that the Governor issue an Executive Order protecting certain "A" stretches identified in the Maine Rivers Study from further hydro development.
- June 1982 - Fisheries Management Plans. Fishery agencies issue Statewide River Fishery Management Plans, establishing policies on fish passage facilities.
- July 1982 - Governor Issues Executive Order on Rivers Policy. Order protects 1100 miles of "A" rivers from new hydro; directs OER to develop a Comprehensive Hydropower Plan for submission to FERC by October 1, 1982; and directs SPO to study additional river protection needs, and report to Governor by December 1, 1982.
- October 1982 - OER transmits Comprehensive Hydropower Plan to FERC. Plan identifies target goal of 285 megawatts of additional hydro to be developed.
- December 1982 - SPO sends Rivers Report to Governor. Report includes recommendations for additional rivers protection legislation.

THE GOVERNOR'S LEGISLATIVE INITIATIVES ON MAINE RIVERS POLICY - IN BRIEF

The initiatives afford added protection to Maine's most outstanding rivers and their resources, while encouraging sound hydropower development to meet Maine's energy needs and reduce our extreme dependence on imported fossil fuels.

To accomplish these twin objectives, five pieces of legislation have been drafted.

1. An Act to Encourage the Wise Use and Management of Maine's Outstanding River Resources (Senator J. Kany, Sponsor; Representatives L. Davis, J. Diamond, and E. Mitchell, Cosponsors).
  - o prohibits new dams on 1100 miles of Maine's most distinguished rivers, while encouraging compatible hydropower development by streamlining the permitting process for all hydropower projects.
  - o protects about 700 additional miles of shorelands from incompatible development, by amending several laws to strengthen state and local development review; and makes it easier for municipalities to join together to form river corridor commissions.
2. An Act Concerning Fishways in Dams and Other Artificial Obstructions in Inland Waters (Senator C. Dow, Sponsor; Representatives H. Clark, P. Erwin, and H. Vose, Cosponsors); and
3. An Act Concerning Fishways in Dams and Other Artificial Obstructions in Coastal Waters (Senator C. Minkowsky, Sponsor; Representatives D. Carter, P. Jacques, and R. MacEachern, Cosponsors).
  - o two separate, virtually identical Acts assure that the State's fishery agencies may require fish passage facilities in dams where they are needed to restore and maintain important commercial and sport fisheries.
4. An Act concerning Inspection, Registration and Abandonment of Dams (Senator E. Erwin, Sponsor; Representatives D. Hall, J. Michael, and C.B. Smith, Cosponsors).
  - o replaces three existing laws governing non-power dam inspection maintenance, and operation with a single statute; and transfers administration from the Department of Agriculture to the Department of Environmental Protection.
5. An Act to Revise the Classification System for Maine Waters (Senator C. Pray, Sponsor; Representatives J. Mitchell, P. Jacques, and P. McGowan, Cosponsors).
  - o replaces the existing system for classifying the water quality of Maine's rivers, lakes, and streams with a dual classification system, based on recent scientific findings.



March 17, 1983

### Legislation on Maine Rivers Policy

Five bills give legal substance to the rivers policy expressed in Governor Joseph Brennan's Executive Order of July 6, 1982, to balance the competing uses of Maine's river resources.

They are based on the findings and recommendations of the Maine Rivers Study, published by the US Department of the Interior and the Maine Department of Conservation in May, 1982; and the Comprehensive Hydropower Plan for Maine, published by the Maine Office of Energy Resources in October, 1982.

1. An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources (Senator J. Kany, Sponsor; Representatives L. Davis, J. Diamond, and E. Mitchell, Cosponsors).

The keystone of the Governor's rivers policy, this Act facilitates development of hydropower at appropriate sites; and increases protection along 1500 of Maine's 32,000 miles of rivers and streams, less than five percent of the total. It:

- o creates a "one-stop" permitting process for all hydropower development projects in Maine. Jurisdictional gaps that exist under current statutes are eliminated. The "balancing" principle for permitting projects under the Small Hydro Facilities Act is extended to all hydropower applications. DEP or LURC must find that public health and safety requirements are met, and that the advantages of the project outweigh its adverse impacts, based upon specified criteria.
- o prohibits new dams on 1087 miles of sixteen distinguished ("A") Maine rivers, except with the specific authorization of the Legislature; and any redevelopment of dams along these river stretches that will diminish their outstanding resource values. (See Map 1.)
- o amends the Shoreland Zoning Law, to provide special protection from incompatible development (including new structures, roads, and gravel pits) along the shorelands of 171 miles<sup>1</sup> of the State's most significant canoeing and rafting rivers in organized towns. (See Map 2.)
- o amends the Subdivision Law to require that new subdivisions along 707 miles<sup>2</sup> of outstanding river segments provide a combined shore frontage and setback of 500 feet for new structures on shorefront lots. (See Map 3.) These are the same frontage and setback requirements successfully applied by the Saco River Corridor Commission.

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<sup>1</sup>Includes the undeveloped "A" and "B" river stretches in organized towns that offer outstanding canoeing.

<sup>2</sup>Includes the main stems of all the "A" and "B" river stretches in organized towns.

- o simplifies the procedures for municipalities to form river corridor commissions, patterned after the Saco River Corridor Commission; enumerates the powers which a commission may exercise; and authorizes matching State support (up to \$25,000 annually) for local corridor commissions.
  - o requires permits under the Alteration of Rivers and Streams Law for new bridges along 726 miles<sup>3</sup> of outstanding river segments in organized towns. (See Map 4.)
  - o makes it easier for private, non-profit corporations to hold conservation easements on riverfront properties that, in the opinion of the Commissioner of Conservation, have significant value in their present state to the people of Maine; and
  - o establishes a Study Committee on Local Land Use Violations, to document problems in using the State's court system to resolve violations of local land use laws; to evaluate alternatives, including the establishment of a statewide system of land use hearing examiners; and to report its recommendations to the next session of the Legislature.
2. An Act Concerning Fishways in Dams and Other Artificial Obstructions in Inland Waters (Senator C. Dow, Sponsor; Representatives H. Clark, P. Erwin, and H. Vose, Cosponsors); and
3. An Act Concerning Fishways in Dams and Other Artificial Obstructions in Coastal Waters (Senator C. Minkowsky, Sponsor; Representatives D. Carter, P. Jacques, and R. MacEachern, Cosponsors).

These amend existing legislation to:

- o assure the State's ability to require fish passage facilities in dams where they are needed;
- o clarify the respective roles of the State's two fisheries agencies in this regard; and
- o make it easier for citizens to make known their views on fish passage requirements.

One bill invests the Department of Marine Resources with authority over dams in coastal waters, while the other establishes the Department of Inland Fisheries & Wildlife's authority over dams in inland waters. The agencies may require an owner to erect, maintain, repair, or alter a fish passage facility to maintain or restore anadromous and migratory fish populations.

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<sup>3</sup>Includes all "A" and "B" river stretches and their outstanding tributaries above the head of tide in organized towns.

4. An Act Concerning Inspection, Registration and Abandonment of Dams (Senator E. Erwin, Sponsor; Representatives D. Hall, J. Michael, and C.B. Smith, Cosponsors).

This replaces three existing laws governing dam maintenance with a single statute, and transfers administration from the Department of Agriculture to the Department of Environmental Protection. It includes provisions for:

- o inspecting dams and requiring corrective action or repair to protect the public safety;
- o annual registration of dams;
- o awarding the ownership of dams voluntarily or involuntarily abandoned; and
- o establishing water levels for certain dams.

Generally, this Act improves the workability of the existing, ancient statutes, and resolves Constitutional questions that have arisen of late concerning them.

5. An Act to Revise the Classification System for Maine Waters (Senator C. Pray, Sponsor; Representatives J. Mitchell, P. Jacques, and P. McGowan, Cosponsors).

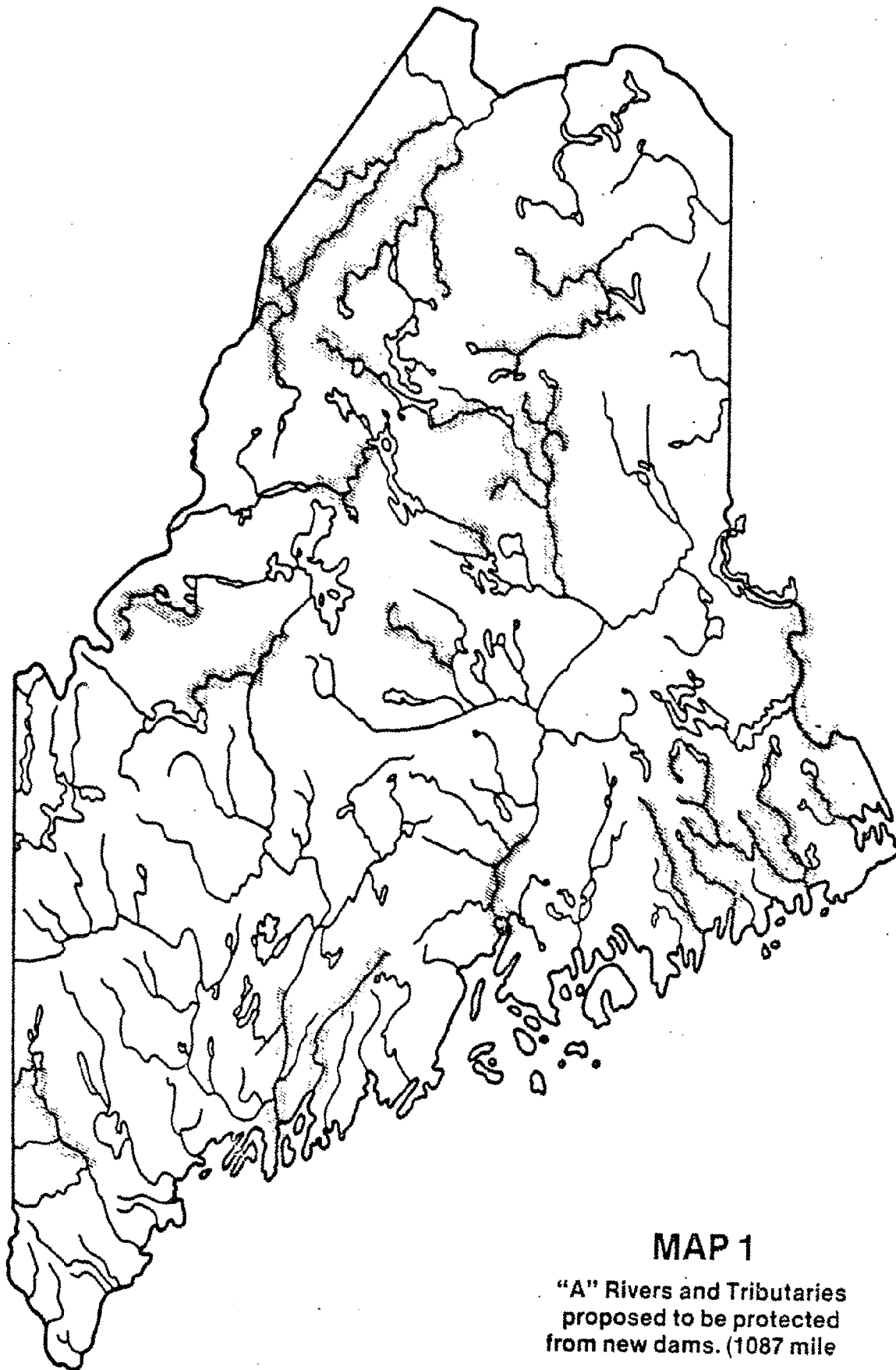
This revises the system for classifying the water quality of Maine's rivers, lakes, and streams, by incorporating new standards based on recent scientific findings. It:

- o assures the maintenance and improvement of water quality;
- o provides additional protection for great ponds and their tributaries, and for highly productive shellfish areas; and
- o prohibits discharges to a limited class of rivers and streams<sup>4</sup> which the Legislature, at the recommendation of the Department, will determine are worthy of protection in their present condition.

The Act establishes a dual water quality classification system, the result of which will be to designate both the existing water quality and the goal for individual bodies of water. It requires the Department of Environmental Protection to recommend to the 113th Legislature reclassifications for all surface waters of the State, based on this new classification system.

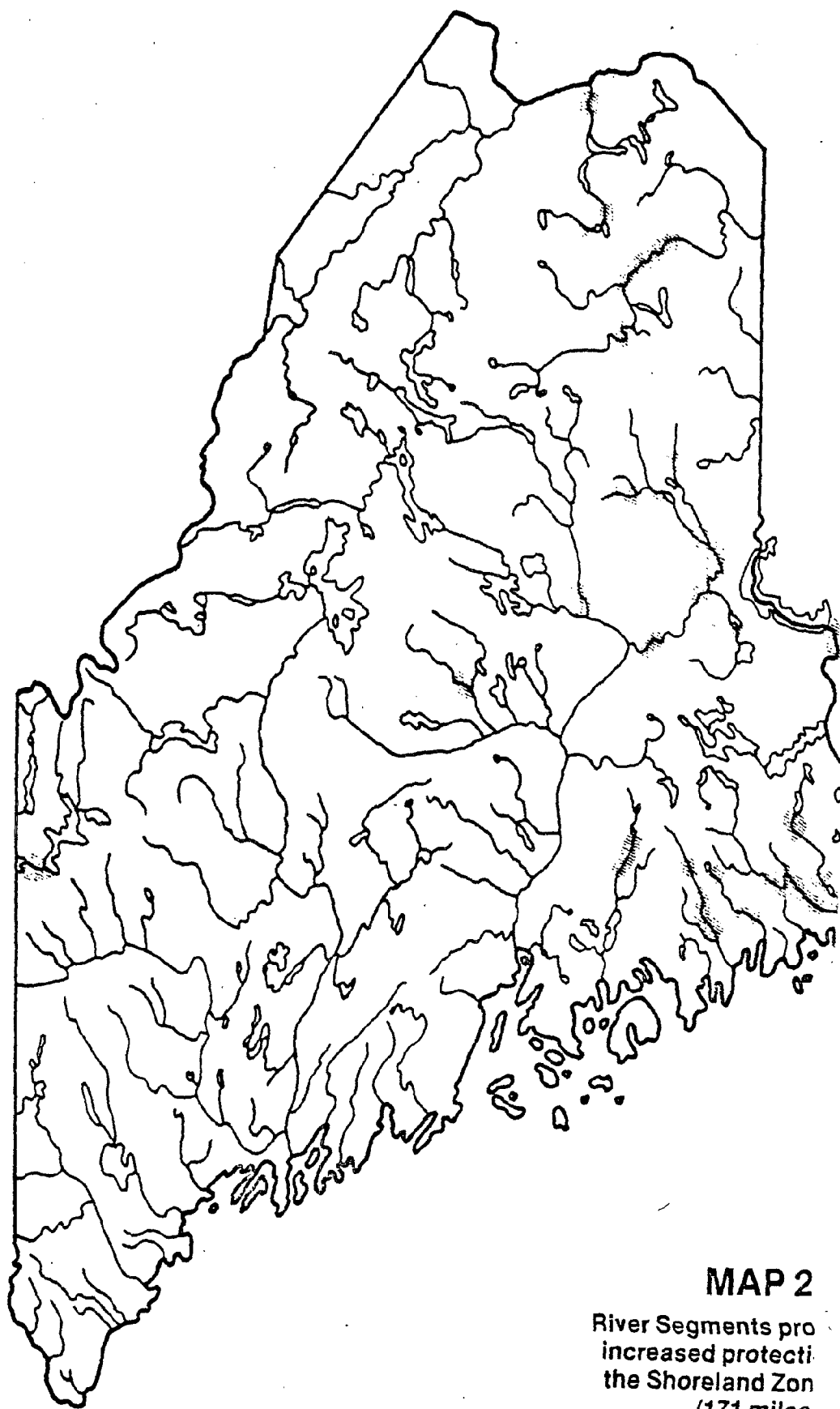
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<sup>4</sup>Will include river stretches classified by the Legislature as "F1", the highest quality waters in Maine.



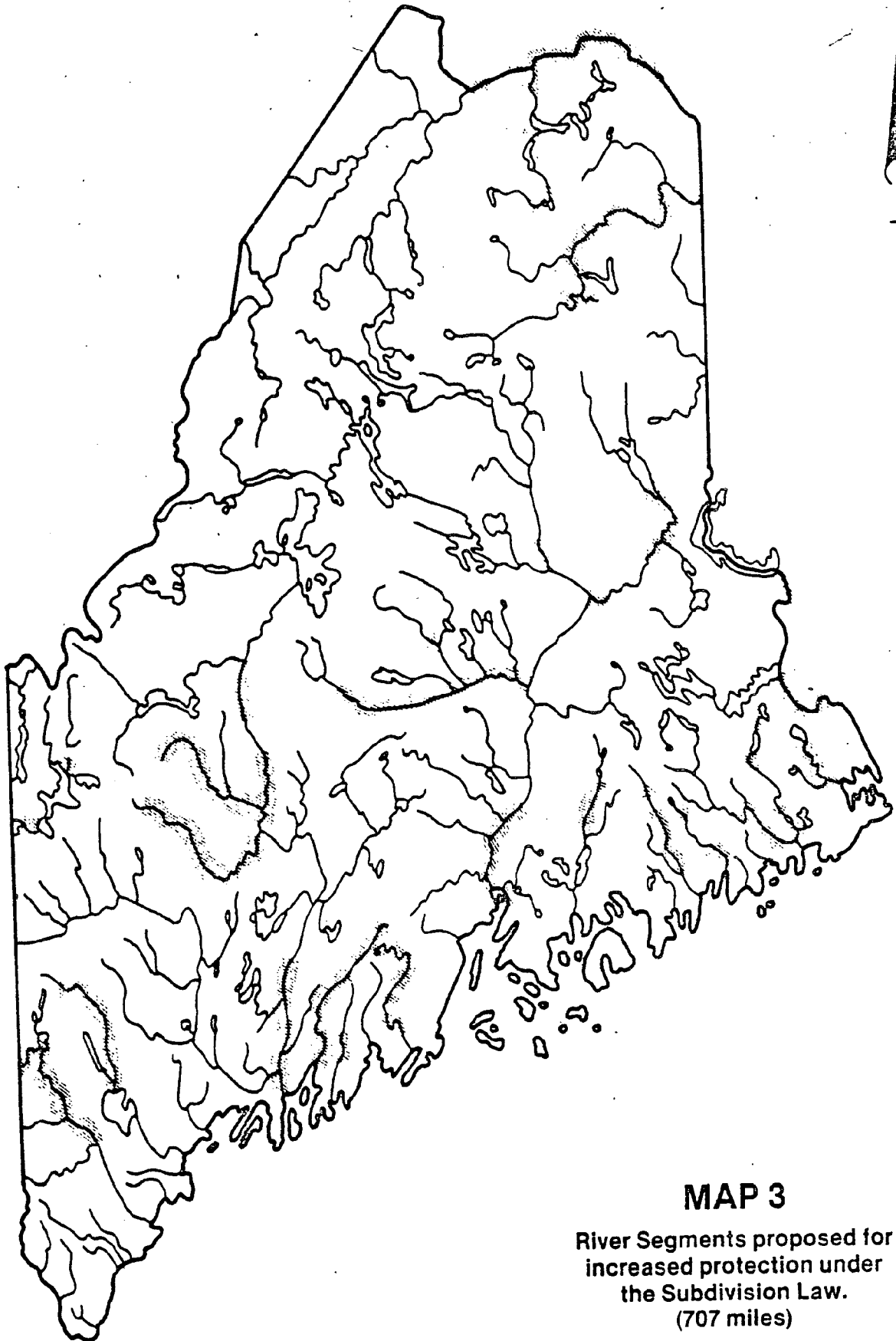
## MAP 1

"A" Rivers and Tributaries  
proposed to be protected  
from new dams. (1087 mile



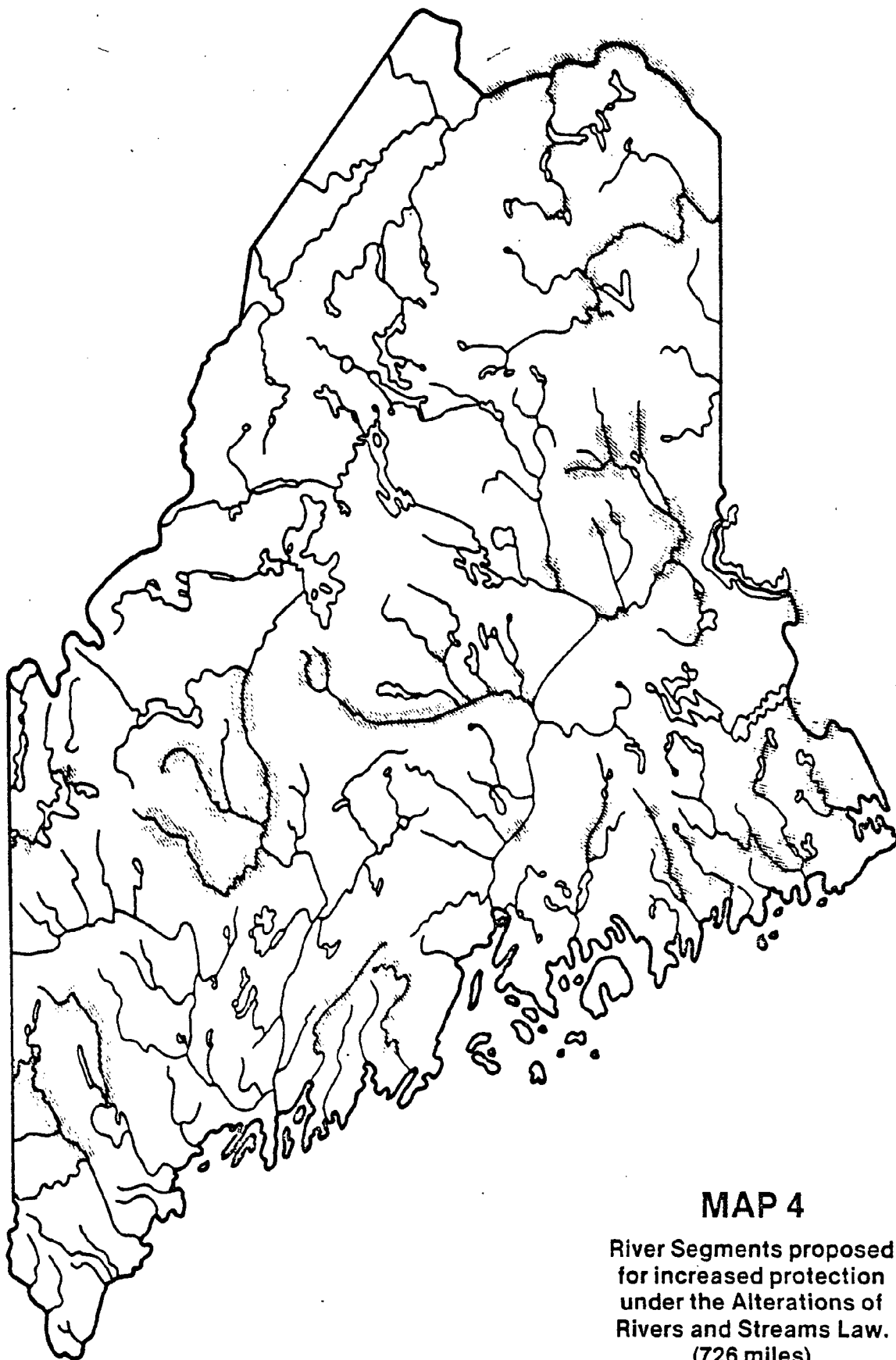
## MAP 2

River Segments pro  
increased protecti  
the Shoreland Zon  
(171 miles)



### MAP 3

River Segments proposed for  
increased protection under  
the Subdivision Law.  
(707 miles)



#### MAP 4

River Segments proposed  
for increased protection  
under the Alterations of  
Rivers and Streams Law.  
(726 miles)



EASTERN MAINE  
DEVELOPMENT  
CORPORATION

10 FRANKLIN STREET  
BANGOR, ME 04401  
(207) 942-6389

APPENDIX II

October 28, 1983

TO: State Planning Office  
FROM: Katherine Carter *Kay*  
RE: Coastal Activities for time period extending from June 1, 1983 to September 30, 1983 conducted under the contract between Penobscot Valley Regional Planning Commission and State Planning Office, Contract Number 917782

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Since June 1, 1983 the following activities have been undertaken under the above mentioned contract:

1. Activities affecting more than one community:

Under this category the primary activity has involved the coordination and preparation of a television mini-series training program for Planning Boards, developers, etc. on such areas as subdivision, shoreland zoning, etc. This project will take up the majority of the available coastal resources for the remainder of the grant period. Included with this memo is an outline of the series as it is now planned.

2. Activities affecting individual communities:

- a. Winterport - Provided extensive technical assistance to the Planning Board chairman on issues including subdivision review; the relation of comprehensive planning to shoreland zoning; and the operation and effective use of the minimum lot size law and the shoreland zoning ordinance.
- b. Prospect - Provided technical assistance on subdivision review; reviewed road standards and provided technical suggestions on incorporating standards into the subdivision review process.



State Planning Office  
October 28, 1983  
Page 2

- c. Hampden - Provided technical assistance in the development of an impact study for a new shopping center in Hampden.

Total expenditures for these activities were \$1,310.44; of that \$1,169.74 was spent on Core Law activities; \$140.70 was spent on Regional Priorities; and \$327.61 was provided in match.

EASTERN MID-COAST PLANNING COMMISSION

July 1 - 31, 1983

Shoreland Zoning Assistance

No activity during this period.

Core Law Agency

No activity during this period.

Core Law Review

Reviewed DEP applications for Belfast launching ramp and breakwater, waste discharge for Medomak Canning, Waldoboro.

Federal Consistency

No activity during this period.

Misc./Local Assistance

Conferred with St. George Planning Board Chairman re: suit brought against Town of St. George over Rackliff Island subdivision, proposed amendments to St. George Minimum Lot Size Ordinance. Prepared June CZM billing.

EASTERN MID-COAST PLANNING COMMISSION

August 1 - 31, 1983

Shoreland Zoning Assistance

No activity during this period.

Core Law Agency

No activity during this period.

Core Law Review

Reviewed landfill application for St. George, sludge disposal site for Penobscot Bay Medical Center, Rockport, and wharf repair for St. George.

Federal Consistency

No activity during this period.

Misc./Local Assistance

Conferred with St. George Planning Board Chairman re: proposed amendment to Town-wide Minimum Lot Size Ordinance, prepared further amendments for ordinance. Conferred with Warren Planning Board member re: Planning Board activities. Prepared materials for Lincolnville Planning Board member re: sludge spreading in Lincolnville. Prepared July CZM billing.

EASTERN MID-COAST PLANNING COMMISSION

September 1 - 30, 1983

Shoreland Zoning Assistance

No activity during this period.

Core Law Agency

No activity during this period.

Core Law Review

No activity during this period.

Federal Consistency

No activity during this period.

Misc./Local Assistance

Attended three meetings of the Camden Comprehensive Plan Subcommittee. Conferred with St. George Planning Board Chairman re: Cluster and Multi-family Housing Ordinance and Minimum Lot Size Ordinance, attended meeting of St. George Planning Board. Conferred with developer re: proposed subdivision on Vinalhaven. Reviewed, recommended changes to Vinalhaven Zoning Ordinance. Attended meeting of Warren Planning Board. Conferred with Northport resident re: Plumbing Code. Conferred with developer re: Camden proposal. Prepared August CZM billing.

HANCOCK COUNTY PLANNING COMMISSION

RPC ASSISTANCE CONTRACT

COASTAL PROGRAM

Progress Report: July 1 to September 30, 1983

I. TECHNICAL ASSISTANCE PROVIDED TO COASTAL COMMUNITIES

Bar Harbor: During this billing period, the Commission staff provided extensive technical assistance to a special study committee organized specifically to review Bar Harbor's existing townwide zoning ordinance. To date the Land Use Study Committee has reviewed maps prepared by the Commission depicting existing land use patterns, ownership patterns, and present zoning. The end result of the Committee's study will be a master land use plan and an updated townwide zoning ordinance and zoning map.

Castine: The staff of the Planning Commission provided assistance to the Planning Board and the Code Enforcement Officer in the review of an application proposing a multiple use building (residential and commercial) in a sensitive shoreline area. In addition, the Planning Commission provided assistance to the Town Manager and Board of Selectmen in drafting a moratorium ordinance for the purpose of prohibiting construction in the commercial district until such time as the Planning Board can review and revise the town's zoning ordinance or for a period not to exceed one year. (See attached moratorium ordinance.)

Ellsworth: A member of the Commission staff has been attending regular monthly meetings of the Planning Board. During the summer months, the board has reviewed the requirements of special exception permits under the city's present zoning ordinance, revised the Sign Ordinance, and considered the rezoning of several specific areas from residential to commercial.

Gouldsboro: Extensive assistance has been provided to the Planning Board during this billing period. In addition to attending five meetings of the Planning Board, the Commission staff has provided the following services:

- . Provided cartographic assistance to the Planning Board in the preparation of a proposed zoning map of the town's coastal islands

- . Provided technical and cartographic assistance to the Planning Board in the preparation of an Island Resource Study
- . Provided technical assistance to the Planning Board in preparing revisions to Shoreland Zoning Ordinance regarding development on islands
- . Staff attendance and presentation at a public hearing regarding zoning amendments
- . Provided technical assistance to the Planning Board in drafting a letter requesting additional information on a proposed subdivision
- . Provided clerical assistance to the Town Manager in the printing of 50 copies of the town's Building Permit form

**Lamoine:** The Commission staff continued to provide assistance to the Planning Board in reviewing the town's present ordinances. During July a staff member reviewed and critiqued the Lamoine Flood Hazard Ordinance. A supplemental flood hazard ordinance was proposed and reviewed at the August meeting of the Planning Board. The Planning Board continues to rely on the Commission for secretarial support services.

**Orland:** Research assistance was provided to the Board of Selectmen regarding the propriety of a member of the Planning Board serving on the Board of Appeals. Also, the Planning Board requested assistance regarding the expansion of nonconforming uses.

**Southwest Harbor:** The Planning Commission provided assistance to the Planning Board in arranging a meeting between members of the Planning Board and a representative of the State Planning Office to discuss zoning issues as well as the duties and responsibilities of the Planning Board. Staff also provided research assistance to the Town Manager regarding the minimum lot frontage required for a multi-unit housing complex.

**Swans Island:** Over the summer, the Commission has worked with the Swans Island Planning Board and Code Enforcement Officer to establish handling procedures for subdivision review and the sales of individual lots from larger parcels for non-building purposes. The Commission staff also assisted the Planning Board in interpreting setback requirements and subdivision ordinance lot size requirements. The Code Enforcement Officer requested assistance regarding the issuance of a building permit on a nonconforming lot.

Tremont: The Planning Commission provided research assistance to the Planning Board regarding a possible illegal subdivision.

Trenton: The Commission staff continued to assist the Trenton Planning Board in drafting a townwide zoning ordinance. During this billing period, a proposed ordinance was presented for review and comment at a public hearing. The Planning Board also requested research and cartographic assistance in the preparation of graphic overlays showing growth on Route 3 between 1938 and 1974 for use at the public hearing. Clerical assistance was provided to the Board of Selectmen in typing and printing 75 copies of the town's Application for Land Use Permit forms and in typing the town's Building Code.

Verona: The Verona Planning Board requested staff attendance at their August meeting to explain the distinction between nonconforming lots and nonconforming uses. The Commission also provided clerical assistance in printing 500 sets of Land Use Permit forms and 100 copies of various administrative forms.

## II. REVIEW AND COMMENT ON APPLICATIONS TO DEP ON SITE LAW AND WETLANDS LAW

During the period between July 1 and September 30, 1983 seven applications to the DEP were reviewed by the Commission. All seven applications were approved by the Board of Environmental Protection. They are as follows:

1. Bar Harbor - Town of Bar Harbor, replace, repair and extend a sewer outfall and interseptor pipe in Hulls Cove
2. Brooksville - Anne M. Kimberly, construction of dock
3. Bucksport - Gateway Emporium Inc., reconstruction of existing bulkhead
4. Bucksport - U.S. Corps of Army Engineers, maintenance dredging in the Penobscot River
5. Gouldsboro - U.S. Corps of Army Engineerings, construction of riprap protection for the Corea Causeway at Sand Cove
6. Isle Au Haut - Orvel and Margaret Dulles Sebring, placement of power cable in a salt marsh
7. Stonington - L. Clyde Conary, Inc., dredging of a 150 foot by 48 foot area to a depth of 6 feet below mean low water

### III. ISSUES OF LOCAL SIGNIFICANCE

#### Port Development:

The Hancock County Planning Commission and the Hancock County Extension Service sponsored a harbor master enforcement workshop on July 19, 1983. This workshop was the second of two workshops held to familiarize local harbor masters and harbor committees with the duties and responsibilities associated with comprehensive management. With the steadily increasing use of harbors in Hancock County, enforcement of local ordinances and regulations is vital to the efficient and orderly use of these facilities.

The workshop featured three guest speakers involved in the various disciplines of law enforcement as follows:

- . KEVIN CONGER, Marine Patrol Warden, reviewed the proper procedures for issuing a warning and a summons;
- . EDWARD MCSWEENEY, Assistant District Attorney for Hancock County, spoke on the process involved in prosecuting a case and the information required in presenting a sound case; and
- . WARREN BURNS, Associate Professor of Speech at UMO, spoke on the topic of law enforcement from the humanist point of view.

One concern expressed by the majority of the 30 participants was uncertainty as to function. Harbor masters wanted to know whether their primary function was one of management or enforcement. After some discussion, it was concluded that the town's board of selectmen determines the function of the harbor master.

#### Acadia National Park:

Over the summer, staff of the Planning Commission discovered a large discrepancy in the number of acres Acadia National Park was making payments-in-lieu-of-taxes on to the towns of Bar Harbor, Mount Desert, Southwest Harbor, Tremont, and Winter Harbor. The discrepancy was linked to land donated to the Park by the Hancock County Trustees of Public Reservations, an organization Park officials believed to be a unit of county government. Extensive research proved that the 13,000 acres donated by the Hancock County Trustees of Public Reservations was not tax-exempted at the time of its donation, and therefore the land was eligible for federal compensation.

The following is a distribution breakdown of the 13,000 acres by town:

Bar Harbor	1,680 acres
Mount Desert	7,982 acres
Southwest Harbor	1,049 acres
Tremont	356 acres
Winter Harbor	2,057 acres

With this discovery, the towns may collect up to \$59,000 in back payments, based on 75 cents per acre multiplied by six years. (See attached Bangor Daily News article.)



# **SOUTHERN KENNEBEC VALLEY**

## *Regional Planning*

### *Commission*

125 State Street  
Augusta, Maine 04330  
Tel. (207) 622-7146 - 622-3972

#### **CZM Program Activities**

**July 1 - September 30, 1983**

1. Our staff has participated in three meetings with consultants and town officials from Gardiner, Augusta and Hallowell concerning the Kennebec River Study. The major focus of this activity at the present time is the preparation of base and land-use maps. This in turn required a staff review, for the consultants, of shoreland zoning implications for future development.
2. Town of Hallowell - advised city officials on alternatives to proposed downtown renewal and housing projects located along the Kennebec River (Water Street and river frontage sites).
3. Town of Hallowell - Planning Board meeting - staff recommended public use and related access facilities for riverfront development.
4. City of Augusta - Planning Board meeting - staff recommended that public access to river was the key to proposed downtown renewal; there should be more cohesive involvement with objectives of the Kennebec River Study (See #1 above).
5. Town of Pittston - Discussed the implications of existing shoreland zoning restrictions for that town's future involvement with proposed recreation projects for the Kennebec River.
6. Town of Randolph - Site-plan review of proposed housing project.
7. Continued review of L.D. 1296 (River Bill) and its impact on the Southern Kennebec Region's member communities.



SOUTHERN MAINE REGIONAL PLANNING COMMISSION

BOX Q, SANFORD, MAINE 04073

TEL. 324 2952 / 324 5780

October 26, 1983

Southern Maine Regional Planning Commission  
Progress Report  
SPO/CZMA Assisted Activities  
For the Period July - October 1983

Category

Shoreland Zoning

SMRPC assisted South Berwick in updating its zoning performance standards (including shoreland zoning) and assisted Wells in preparing a site plan review ordinance with particular emphasis on shoreland areas.

Also, the Commission conducted a workshop for planning and enforcement officials which included latest enforcement developments in shoreland areas.

Legal assistance on the subject was provided to Biddeford, Wells and York.

Core Law Agency Assistance

SMRPC conducted a workshop for local officials dealing with new laws relating to coastal development. Also, staff participated on the newly formed State Commission on Land Use Law Violations.

Core Law Review

SMRPC conducted reviews of numerous major and minor development proposals affecting coastal resources and subject to core law regulation. Among these were:

Dunes Alterations - Old Orchard Beach, Saco, Biddeford, Kennebunkport, and Wells.

Wetlands - Saco, Biddeford, Kennebunkport, York, Kittery and Eliot.

Site Location - Biddeford, Wells and Kennebunk.

Water Quality - Saco.

#### Other Local Assistance

In addition to core law development and reviews and shoreland zoning, SMRPC provided assistance to coastal communities on the following projects:

Old Orchard Beach	- zoning review, noise ordinance
Saco	- zoning revisions, mining
Ogunquit	- Growth Management
Arundel	- subdivision review
York	- subdivision review, noise control
South Berwick	- subdivision review, road standards
All communities	- noise control workshop for police officers

#### Federal Consistency

SMRPC reviewed the Eliot Piscataqua River dredging project for consistency and provided assistance to the U. S. Navy in updating its Kittery Naval Shipyard Master Plan.

#### Local/Regional Priorities

SMRPC assisted Kennebunk, Kennebunkport, Wells and Old Orchard Beach to refine solid waste disposal alterations.

Greater Portland Council of Governments

November, 1983

COASTAL ZONE MANAGEMENT PROGRAM  
Progress Report for July-October 1983

Project Activities

Core Law Assistance & Reviews

Sludge Utilization

We reviewed one sludge utilization application by the Portland Water District for New Gloucester and approved it with the condition that care be taken so that odor problems do not occur with simpro spreading. We reviewed and approved an S.D. Warren application for sludge utilization in Cumberland/Freeport. We commented extensively on S.D. Warren's program approval application for pulp and paper sludge utilization on agricultural lands. Specifically, we expressed concern about the need for rigorous monitoring of the demonstration plots. We see a need for documentation of the erosion rates of topdressed ash, of vegetative responses, of soil character and of nutrient status.

Site Review

We reviewed and approved nine S.D. Warren applications for bioash spreading in the towns of Cumberland, Freeport, Portland, Pownal, Standish and Westbrook. For specific sites, we commented on plowing programs. We commented favorably on a warehouse complex in Freeport and commented on the incompleteness of a subdivision application in Freeport and the need for further information on topography, drainage, internal road specifications and water supply availability. We recommended access restrictions to an auto dealership in South Portland.

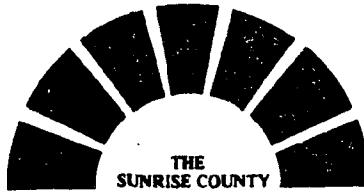
Wetlands

We reviewed favorably a proposal for two timber pile piers in Portland, dredging for Sea Run, Inc. in Yarmouth and a bank stabilization project at Prince's Point in Yarmouth. We specified the need for more detailed information on a wharf and dredging project for the Even Keel Boat Yard in Yarmouth, specifically for analysis of dredge spoils, plans for containing the dredge spoils and impact of the proposed piers on the Cousins River floodway.

We reviewed six sand dune projects, five in Scarborough and one on Long Island in Portland. Our position is that when the dune area was already fully developed; new construction should be carried on at a minimum scale so as to have as little impact as possible. For example, as our comments on two Scarborough applications stated, a new deck should not have a permanent foundation and a parking lot should be built to minimum dimensions to accommodate the cars parking there. We objected to reconstruction of an access building on the dune on Long Island because of inadequate setbacks and location in the floodplain.

## Waterfront Development

COG staff worked with the Berthing Task Force (composed of fishermen, municipal officials, Maine Department of Transportation, private sector representatives and the Board of Harbor Commissioners) to complete a draft of the final Berthing Report. A number of public hearings are being scheduled for November. COG staff worked with the Town of Yarmouth's Harbor and Waterfront Committee to obtain a grant to study the geologic and dredging problems of the Royal River Basin and Channel.



## WASHINGTON COUNTY REGIONAL PLANNING COMMISSION

63 MAIN STREET MACHIAS, MAINE 04654 TEL. (207) 255-8686

October 3, 1983

Harold E. Kimball  
Contract Administrator  
State Planning Office  
State House Station 38  
Augusta, ME 04333

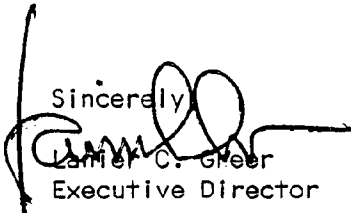
Subject: Contract 917340, Progress Report for period June 1, 1983  
through September 30, 1983.

The staff members of our Commission are the only professional planners available on a routine basis to most of the 29 coastal municipalities in Washington County. The State Planning Office, the Maine Municipal Association and other groups and agencies are available to assist these municipalities, but having no staff located in the county are not as accessible.

During this period, specific staff activities relating to this contract have included:

- Attended Machias Waterfront Committee meetings.
- Participated in Down East RC&D Council meetings and Peat Committee meetings.
- Worked with Eastern Disposal Project and private operator, towards B.E.P. application.
- Worked with Hancock-Washington County Solid Waste Committee to organize for alternative site.
- Provided Shoreland Zoning Administration assistance to several communities.
- Worked with Pembroke Selectmen to develop potential planning projects.
- Met with people from Robbinston to discuss possibilities for gravel pit reclamation.

Sincerely,

  
Lamar C. Greer  
Executive Director

LCG/as

# Wetlands violation nets developer \$10,000 fine

By KIM CLARK  
York County Bureau

ALFRED — The precedent-setting prosecution of the owner of the Leather Loft shopping complex for violating the state's Coastal Wetlands Act resulted in another precedent Friday as the defendant was fined \$10,000.

York County Superior Court Justice William Brodrick said he would accept the last-minute agreement worked out between Maine Department of Environmental Protection officials and defendant Jonathan Shafmaster, but added, "I might have fined Mr. Shafmaster more than \$10,000."

Since Shafmaster will have to spend another \$5,000 to \$10,000 to restore the Kittery wetland he ruined, however, Brodrick said he was satisfied the punishment "should be sufficient to deter other people in similar situations who think they can violate the Coastal Wetlands Act with impunity."

"These laws are very important to us, and violators will pay," Brodrick said.

Brodrick's final ruling in the DEP's landmark case requires Shafmaster to dig up a gravel road behind his new Route 1 minimall and reseed marsh plants.

Shafmaster was convicted of filling in a legally protected wetland with gravel without a DEP permit.

In arguing the DEP's case, Assistant Attorney General Philip Ahrens said the destruction of the narrow marsh between the new building and Chickering Creek "destroyed a productive habitat and nutrient source for fish, and inhibited or completely impeded fish from existing in the creek."

Ahrens said the \$10,000 fine was the first fine the courts have levied in a wetlands act prosecution.

Ahrens said Shafmaster would have to begin restoring the marsh as soon as possible.

Bradford Sterl, the Department of Marine Resources biologist who developed the court-ap-

The punishment "should be sufficient to deter other people in similar situations who think they can violate the Coastal Wetlands Act with impunity. These laws are very important to us, and violators will pay."

— Justice William Brodrick

proved wetland restoration plan, said it would likely take years for the marsh to return to normal.

If Shafmaster had obeyed Brodrick's preliminary order forcing restoration of the marsh in March instead of winning a delay pending Friday's final hearing, Sterl said Shafmaster would have saved time and money.

"They probably could have salvaged more wild plants. More erosion has taken place during this long wait and it will take them longer to clean up the gravel," Sterl said.

Shafmaster's attorney, John Paterson, called the outcome of the trial "fair but unfortunate."

Paterson said his client will not appeal Brodrick's decision in the DEP case, but has filed an appeal in the Maine Supreme Court of Brodrick's ruling in a separate case ordering removal of a section of the building.

Shafmaster's \$1.4 million suit against the town of Kittery backfired last month when Brodrick dismissed the suit and found the Leather Loft building in violation of the town's zoning ordinance requiring a 100-foot setback from tidal waterways such as Chickering Creek.

Brodrick ordered all parts of the building within 100 feet of the tiny creek destroyed or moved.

pp 11  
6/7/83

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